

Goss, Yoakum.
Greer,

NAYS—4.

Crowley, Shelburne,
Lewis, Simpson.

ABSENT—1.

Cranford.

EXCUSED—5.

Hutchison, Swayne,
McComb, Whitaker,
Smith,

By consent, the following bills were introduced:

By Senator Dean:

A bill to be entitled "An act for the relief of F. S. Schmid and making appropriation therefor."

Read first time and referred to Committee on Claims and Accounts.

By Senator Steele, by request:

A bill to establish a standard of weights and measures and require uniform weights per bushel of wheat, corn and other products, and to repeal articles 4848, 4849, 4850, 4851, 4852, 4853, 4854, 4855 and 4856 of the Revised Statutes of Texas, and section 1 of chapter 74 of the regular session of the Eighteenth Legislature, and chapter 36, acts of the regular session of the Twenty-first Legislature.

Read first time and referred to Committee on State Affairs.

On motion of Senator Crowley, the Senate adjourned to 10 a. m. to-morrow by the following vote:

YEAS—14.

Agnew, Greer,
Atlee, Lawhon,
Cranford, Presler,
Crowley, Shelburne,
Dean, Simpson,
Dickson, Woods,
Goss, Yoakum.

NAYS—10.

Baldwin, Jester,
Boren, Kearby,
Bowser, McKinney,
Browning, Steele,
Douglass, Tips.

ABSENT—2.

Imboden, Lewis.

EXCUSED—5.

Hutchison, Swayne,
McComb, Whitaker,
Smith,

—
FORTY-NINTH DAY.

SENATE CHAMBER.

AUSTIN, TEXAS, March 8, 1893.

Senate met pursuant to adjournment.

Lieutenant-Governor Crane in the chair.

Roll called.

Quorum present, the following Senators answering to their names:

PRESENT—28.

Agnew, Imboden,
Atlee, Jester,
Baldwin, Kearby,
Boren, Lawhon,
Bowser, Lewis,
Browning, McComb,
Cranford, McKinney,
Crowley, Shelburne,
Dean, Simpson,
Dickson, Steele,
Douglass, Swayne,
Goss, Tips,
Greer, Woods,
Hutchison, Yoakum.

EXCUSED—2.

Smith, Whitaker.

ABSENT—1.

Presler.

Prayer by the chaplain, Dr. Briggs, as follows:

Our Father! May we labor to-day with all hopefulness and courage, and yet with all humility and modesty. Work in us a heroic patience that can wait upon God and man. May we not in our haste delay Thy tender providences; nor interrupt the stream of Thy love. Enlighten the mind that we may be equal to the questions that may arise to perplex us. Whisper to the heart the word of forgiveness that each may need, that a new found sense of freedom may make our labor joyous; and to Thy name be power and glory. Amen.

Pending the reading of the journal of yesterday,

On motion of Senator Browning, the reading of the same was suspended.

COMMITTEE REPORTS.

COMMITTEE ROOM,

AUSTIN, TEXAS, March 7, 1893.

Hon. M. M. Crane, President of the Senate:

Your Committee on Claims and accounts, to whom was referred Senate bill No. 252, entitled "An act for the relief of J. J. Jones, and making an appropriation therefor,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it *do not* pass.

SHELburne, Acting Chairman.

COMMITTEE ROOM,

AUSTIN, TEXAS, March 7, 1893.

Hon. M. M. Crane, President of the Senate:

Your Committee on Claims and Accounts, to whom was referred

Senate bill No. 255, entitled "An act for the relief of F. L. Schmid and making an appropriation therefor,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it *do* pass, with the following amendments:

Amend by striking out "\$308.15" after the word "nurses" in line 24, page 1, and inserting in lieu thereof "\$150," and in line 28 by striking out "\$742.65" and inserting "\$584.50" in lieu thereof.

Amend section 1, page 2, lines 3, 4 and 5, by striking out the words "seven hundred and forty-two dollars and sixty-five cents (\$742.65)" and insert in lieu thereof the words "five hundred and eighty-four dollars and fifty cents (\$584.50)."

LAWHON, Chairman.

COMMITTEE ROOM,

AUSTIN, TEXAS, March 7, 1893.

Hon. M. M. Crane, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 248, being "An act to amend section No. 5 of an act entitled an act to encourage irrigation and to provide for the acquisition of the rights to the use of water, and for the construction and maintenance of canals, ditches, flumes and reservoirs and wells for irrigation, and for mining, milling and stockraising in the arid districts of Texas, approved March 19, 1889, so as to extend the time within which to file and have recorded the sworn statement provided for in said section No. 5 of said act; and give to such owners of such ditches, canals, flumes, reservoirs and wells for irrigation, a preference lien for the use of the water for such ditches, etc., under a lease or rental contract,"

And find the same correctly engrossed.

KEARBY, Acting Chairman.

COMMITTEE ROOM,

AUSTIN, TEXAS, March 8, 1893.

Hon. M. M. Crane, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 107, being "An act to restore to the county court of Tyler county civil and criminal jurisdiction,"

And find the same correctly enrolled, and did on yesterday at 12:40 p. m., present the same to the Governor for his approval.

IMBODEN, Chairman.

COMMITTEE ROOM,

AUSTIN, TEXAS, March 8, 1893.

Hon. M. M. Crane, President of the Senate:

Your Committee on Penitentiaries, to whom was referred

Senate bill No. 221, entitled "An act to amend section 2 of an act entitled an act to provide for the more efficient government and maintenance of the House of Correction and Reformatory at Gatesville,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it *do* pass, with the following amendment:

Amend by inserting the word "traveling" between the words "actual" and "expenses" in section 2.

WOODS, Chairman.

COMMITTEE ROOM,

AUSTIN, TEXAS, March 8, 1893.

Hon. M. M. Crane, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 165, entitled "An act to amend an act passed by the Twenty-first Legislature, approved April 4, 1889, entitled an act to amend an act passed by the Twentieth Legislature, approved April 2, 1887, entitled an act to amend article 430 of section 1, and to repeal section 2 of an act entitled an act to amend articles 423, 424, 425, 426, 427, 429, 430a, and to create article 426 1-2, and to repeal article 430, chapter 5, title 13 of the Penal Code of the Revised Statutes for the protection of fish and game, approved March 15, 1881,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it *do* pass, with the following amendments:

Amend by striking out the following counties: Sabine, San Augustine, Shackelford, Mitchell, Haskell, Stonewall, Dawson, Howard, Martin, Fisher, Andrews, Dixon, Gregg, Rains, Wood and Upshur, and by inserting Trinity.

KEARBY, Chairman.

COMMITTEE ROOM,

AUSTIN, TEXAS, March 7, 1893.

Hon. M. M. Crane, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 87, entitled "An act to encourage immigration to Texas and to stimulate persons to form themselves into companies or associations of persons for the purpose, providing certain qualifications for immigrants from foreign countries, and providing

penalties for non-compliance with its provisions and to repeal all laws and parts of laws in conflict therewith."

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it *do not* pass.

CRANFORD, Chairman.

COMMITTEE ROOM,

AUSTIN, TEXAS, March 7, 1893.

Hon. M. M. Crane, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 47, entitled "An act to regulate attachments in certain cases, and to provide for the distribution of the proceeds of property sold under judgment in such cases."

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it *do not* pass.

CRANFORD, Chairman.

COMMITTEE ROOM,

AUSTIN, TEXAS, March 7, 1893.

Hon. M. M. Crane, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

House bill No. 158, entitled "An act to have copyrighted the reports of the commission appointed to digest the laws, civil and criminal, of the State of Texas, as adopted by the commissioners appointed by the Governor to codify the laws of the State of Texas, as provided by an act passed by the Twenty-second Legislature at its regular session, entitled an act to provide for revising, digesting and publishing the laws, civil and criminal, of the State of Texas,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it *do not* pass.

CRANFORD, Chairman.

COMMITTEE ROOM,

AUSTIN, TEXAS, March 7, 1893.

Hon. M. M. Crane, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

House bill No. 14, entitled "An act to amend article 1263 of the Revised Civil Statutes of the State of Texas,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it *do* pass with accompanying committee amendments.

CRANFORD, Chairman.

COMMITTEE AMENDMENTS.

First. Amend by adding to section 1 the following: "And before the call

of the aforesaid docket on said second day."

Second. Strike out section 2 and add in lieu thereof the following:

"Whereas, There is now a conflict between articles 1263 and 1280 and the crowded condition of the calendar and the large number of bills now pending and the near approach of the close of the present session created an emergency, and a public necessity exists that the constitutional rule requiring bills to be read on three several days be suspended and that this bill take effect from and after its passage, and it is so enacted.

COMMITTEE ROOM,

AUSTIN, TEXAS, March 7, 1893.

Hon. M. M. Crane, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 45, entitled "An act to amend articles 4082 and 4089 of the Revised Civil Statutes of Texas, as amended by acts of 1883 and 1879,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it *do not* pass.

CRAWFORD, Chairman.

COMMITTEE ROOM,

AUSTIN, TEXAS, March 7, 1893.

Hon. M. M. Crane, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 57, entitled "An act to provide for the better assessment of personal or movable property in the State of Texas, liable or subject to taxation under the laws of the State,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it *do* pass.

CRANFORD, Chairman.

COMMITTEE ROOM,

AUSTIN, TEXAS, March 7, 1893.

Hon. M. M. Crane, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

House bill No. 276, entitled "An act to amend article 697, title 22, chapter 5 of the Revised Civil Statutes of the State of Texas,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it *do* pass.

CRANFORD, Chairman.

COMMITTEE ROOM,

AUSTIN, TEXAS, March 8, 1893.

Hon. M. M. Crane, President of the Senate:

Your Committee on Judicial Districts, to whom was referred

House bill No. 446, entitled "An act to amend section 23 of an act passed at the regular session of the Twenty-second Legislature approved April 13, 1891, entitled an act to amend section 23 of an act entitled an act to redistrict the State into judicial districts and fix the time of holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election to be held on the first Tuesday after Monday in November, 1884."

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it *do pass*.

ATLEE, Chairman.

COMMITTEE ROOM,

AUSTIN, TEXAS, March 8, 1893.

Hon. M. M. Crane, President of the Senate:

Your Committee on Judicial Districts, to whom was referred

House bill No. 265, entitled "An act to reorganize the Fifteenth judicial district, and to amend chapter 67, section 15, of the General Laws of Texas, approved April 9, 1883, redistricting the State for judicial purposes and to amend section 2 of chapter 58 of the General Laws of Texas, approved March 27, 1885, creating the Fortieth judicial district, and to repeal all laws in conflict with this act,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it *do pass*.

ATLEE, Chairman.

COMMITTEE ROOM,

AUSTIN, TEXAS, March 8, 1893.

Hon. M. M. Crane, President of the Senate:

Your Committee on Judicial Districts, to whom was referred

House bill No. 549, entitled "An act to reorganize the Forty-first judicial district, and to provide the times of holding the terms of the district courts in said district,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it *do pass*.

ATLEE, Chairman.

COMMITTEE ROOM,

AUSTIN, TEXAS, March 8, 1893.

Hon. M. M. Crane, President of the Senate:

Your Committee on Asylums, to whom was referred

House bill No. 591, entitled "An act authorizing the board of managers of the Southwest Texas Lunatic Asylum at San Antonio, Texas, to sell, lease or dispose of the water flowing from the artesian wells on the grounds belonging to said asylum,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it *do pass*.

DOUGLASS, Chairman.

COMMITTEE ROOM,

AUSTIN, TEXAS, March 8, 1893.

Hon. M. M. Crane, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Senate substitute for substitute house bills Nos. 190 and 240, being "An act making appropriations for registered and estimated deficiencies in the appropriations for the support of the State government from March 1, 1891, to February 28, 1893, and for previous years,"

And find the same correctly engrossed.

KEARBY, Acting Chairman.

COMMITTEE ROOM,

AUSTIN, TEXAS, March 8, 1893.

Hon. M. M. Crane, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

House bill No. 279, entitled "An act to restore to and confer upon the county courts of LaSalle, Wharton and Hamilton counties the civil and criminal jurisdiction heretofore belonging to said courts under the Constitution and General Statutes of the State, to conform the jurisdiction of the district courts of said counties to such change, and to repeal all laws in conflict with the provisions of this act, in so far as relates to LaSalle, Wharton and Hamilton counties,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it *do pass*.

CRANFORD, Chairman.

BILLS AND RESOLUTIONS.

By Senator Baldwin:

Concurrent resolution:

To fix Saturday, March 25, as the day for the adjournment of the Twenty-third Legislature.

Whereas, The Senate on the ——— day of February passed a resolution fixing Monday, the 10th, as the day for the adjournment of the Twenty-third Legislature, which resolution was sent to the House of Representatives for their concurrence; and

Whereas, The House of Representatives has failed and refused to concur in said resolution or to take any action thereon, and

Whereas, More than ten days have passed since the House received said resolution, and

Whereas, After the 10th day of March the pay of members will be cut down, under the Constitution of the State, to \$2 per day, which amount will be an inadequate sum to pay the expenses of an ordinary legislator, and

Whereas, By an early adjournment we will be able to save the State of Texas a large amount of money by way of expenses of this Legislature, as well as otherwise; and

Whereas, It is evident that the taxes will have to be raised in order to meet the deficiency and the necessary expenses of this government for the next two years; and

Whereas, It is necessary that we save the people of the State from any unnecessary expenses, and from burdensome taxation in order to pay the same; therefore

Section 1. *Be it resolved by the Senate, the House of Representatives concurring*, That Saturday, March 25, be and the same is hereby fixed as the day for the adjournment of the Twenty-third Legislature, and that said Legislature do adjourn on that day.

On motion of Senator Douglass, the resolution was laid on the table subject to call.

HOUSE MESSAGE.

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, March 8, 1893.

Hon. M. M. Crane, President of the Senate:

SIR: I am directed by the House to inform the Senate of the passage by the House of the following bills, to-wit:

House bill No. 265, "An act to reorganize the Fifteenth judicial district and the Fortieth judicial district, and to amend chapter 67, section 15, of the General Laws of Texas, approved April 9, 1883, redistricting the State for judicial purposes, and to amend section 2 of chapter 58 of the General Laws of Texas, approved March 27, 1885, creating the Fortieth judicial district, and to repeal all laws in conflict with this act."

House bill No. 279, "An act to restore to and confer upon the county courts of LaSalle, Wharton and Hamilton counties the civil and criminal jurisdiction heretofore belonging to said courts under the Constitution and General Statutes of the State; to conform the jurisdiction of the district courts of said counties to such change, and to repeal all laws in conflict with the provisions of this act in so far as relates to LaSalle, Wharton and Hamilton counties."

Substitute House bill No. 287, "An act to reorganize the Third judicial district of Texas, to fix the time for holding the courts in the several counties comprising the same, and to repeal all laws and parts of laws in conflict herewith."

House bill No. 351, "An act to create a more efficient road system for Collin, Williamson, Lamar and Bell counties in the State of Texas, and making county commissioners of said counties ex-officio road commissioners, and prescribing their duties as such, and providing for their compensation as road commissioners; and providing for the appointment of deputy road commissioners, and defining the powers and duties of the commissioners court of said counties, and to provide for the manner of training hedges along any public road, and fixing a penalty for the violation of this act, and to repeal all laws in conflict with this act."

House bill No. 441, "An act to diminish the civil and criminal jurisdiction of the county court of McCulloch county."

House bill No. 529, "An act to authorize and provide for the holding of special terms of the district courts in the Twenty-sixth judicial district."

House bill No. 549, "An act to reorganize the Forty-first judicial district, and to provide the times of holding the terms of the district court in said district."

House bill No. 591, "An act authorizing the board of managers of the Southwest Texas Lunatic Asylum, at San Antonio, Texas, to sell, lease or dispose of the water flowing from the artesian wells on the grounds belonging to said asylum."

And that the House concurs in Senate amendments to House bill No. 582, the Dallas city charter amendment.

And that the House has adopted the free conference committee report on House bill 584, "An act to change the time for holding court in the Second and Ninth judicial districts."

Senate bill No. 130, "An act to fix the fees of district and county attorneys, and attorneys ad litem in suits instituted by the State for the recovery of interest due the school fund, or to forfeit school land for non-payment of purchase money, and to provide for the payment thereof."

Senate bill No. 4, "An act to define perpetuities and prevent land monopolies; to limit and regulate the use and ownership of lands by corporations, and to provide for the alienation, forfeiture and escheat of lands

held in violation of the laws of Texas," with amendments.

Respectfully,
GEO. W. FINGER,
Chief Clerk House of Representatives.

IN SENATE.

House bill No. 265, being "An act to reorganize the Fifteenth judicial district and the Fortieth judicial district, and to amend chapter 67, section 15 of the General Laws of Texas, approved April 9, 1883, redistricting the State for judicial purposes, and to amend section 2 of chapter 58 of the General Laws of Texas, approved March 27, 1885, creating the Fortieth judicial district, and to repeal all laws in conflict with this act."

Read first time and referred to Committee on Judicial Districts.

House bill No. 529, "An act to authorize and provide for the holding of special terms of the district courts in the Twenty-sixth judicial district."

Read first time and referred to Committee on Judicial Districts.

House bill No. 279, being "An act to restore to and confer upon the county court of LaSalle county the civil and criminal jurisdiction heretofore belonging to said court under the Constitution and General Statutes of the State, to conform the jurisdiction of the district court of said county to such change, and to repeal all laws in conflict with the provisions of this act, in so far as relates to LaSalle county."

Read first time and referred to Judiciary Committee No. 1.

House bill No. 549, a bill to be entitled "An act to create the Forty-first judicial district of Texas, and to fix the time of holding the district courts in the several counties composing said district."

Read first time and referred to Committee on Judicial Districts.

House bill No. 591, being "An act to authorize the board of managers of the Southwest Texas Lunatic Asylum at San Antonio, Texas, to sell, lease or dispose of the water flowing from the artesian wells on the grounds belonging to said asylum."

Read first time and referred to Committee on Asylums.

House bill No. 351, being "An act to create a more efficient road system for Collin, Williamson and Bell counties, in the State of Texas, and making county commissioners of said counties ex officio road commissioners, and prescribing their duties as such, and providing for their compensation as road commissioners, and providing for the appointment of deputy road commis-

sioners, and defining the powers and duties of the commissioners court of said counties, and to provide for the manner of training hedges along any public road, and fixing a penalty for the violation of this act, and to repeal all laws in conflict with this act."

Read first time and referred to Committee on Roads and Bridges.

House bill No. 441, being a bill to be entitled "An act to diminish the civil and criminal jurisdiction of the county court of McCulloch county."

Read first time and referred to Counties and County Boundaries.

House substitute for substitute House bill No. 287, being "An act to reorganize the Thirty-second judicial district of Texas, to fix the time for holding the courts in the several counties composing the same and to repeal all laws and parts of laws in conflict herewith."

Read first time and referred to Committee on Judicial Districts.

BILLS ON SECOND READING.

The Chair laid before the Senate, Senate bill No. 58.

Senator McKinney stated that a bill of similar import had been considered and passed, and therefore he moved to lay the bill on the table subject to call.

Carried.

The Chair laid before the Senate,

Senate bill No. 61, entitled "An act to refund to W. B. Brush the sum of \$275, purchase money paid by him as contractor of State sewer at Austin, Texas, under act May 5, 1882, in acquiring for the State the right of way for said sewer."

Bill read second time and committee amendments adopted.

Senator Crowley made the point of order that as per resolution adopted by the Senate, setting to-day for the consideration of local bills, the further consideration of the bill was out of order, not being a local bill.

Sustained.

The Chair laid before the Senate

Senate bill No. 103, entitled "An act to prescribe the time of holding the terms of district court in the Thirteenth judicial district," which had been amended in the House.

On motion of Senator Jester, the Senate concurred in the House amendments.

The Chair laid before the Senate

Senate bill No. 171, with House amendments.

On motion of Senator Woods, the Senate concurred in House amendments.

The Chair laid before the Senate, Senate bill No. 210, entitled "An act to fix the time for holding the courts in the Forty-seventh judicial district, and to repeal all laws in conflict herewith."

Bill read second time and ordered engrossed.

On motion of Senator Goss, the vote ordering the bill engrossed was reconsidered.

By Senator Goss:

Amend by adding section 4 as follows:

Section 4. The great amount of business now before the Legislature rendering it improbable that this bill can be read on three several days, and the fact that serious inconvenience will result to the people of said judicial district in the administration of justice unless this bill should pass, create an imperative public necessity requiring the constitutional rule which requires bills to be read on three several days to be suspended, and said rule is suspended accordingly.

Adopted.

The bill was then ordered engrossed.

On motion of Senator Goss, the constitutional rule requiring bills to be read on three several days was suspended and the bill put upon its third reading and final passage by the following vote:

YEAS—24.

Atlee,	Hutchison,
Baldwin,	Imboden,
Boren,	Kearby,
Bowser,	Lawhon,
Browning,	Lewis,
Cranford,	McKinney,
Crowley,	Shelburne,
Dean,	Simpson,
Dickson,	Steele,
Douglass,	Tips,
Goss,	Woods,
Greer,	Yoakum.

NAYS—none.

ABSENT—5.

Agnew,	Presler,
Jester,	Swayne.
McComb.	

EXCUSED.

Smith, W hitaker.

Bill read third time and passed.

The Chair then laid before the Senate

Senate bill No. 211, entitled "An act to amend section 3 of an act to reorganize the Thirty-second and Thirty-ninth judicial districts, and to create the Fiftieth judicial district of the State

of Texas, to fix the times for holding courts therein, to provide for the appointment and election of a judge and district attorney in the Fiftieth judicial district and to repeal all laws in conflict therewith, presented to the Governor of Texas for his approval on March 13, 1891, and not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and which thereupon became a law without his approval."

Bill read second time.

By Senator Goss:

Amend by striking out the words "Bailey" and "Lamb," in line 13, page 2.

Adopted.

By Senator Goss:

Amend by striking out lines 26, 27 and 28, on page 3.

Adopted.

The bill was then ordered engrossed.

On motion of Senator Goss, the vote ordering the bill engrossed was reconsidered.

By Senator Goss:

Amend by adding section 3 as follows:

"Sec. 3. The crowded condition of the calendar rendering it improbable that this bill can be read on three several days, and the fact that serious inconvenience will result to the people of said judicial district, and the administration of justice, unless this bill should pass, create an imperative public necessity requiring the constitutional rule, which requires bills to be read on three several days, to be suspended, and said rule is suspended accordingly.

Adopted.

Bill ordered engrossed.

On motion of Senator Goss, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put upon its third reading and final passage by the following vote:

YEAS—24.

Atlee,	Imboden,
Baldwin,	Kearby,
Boren,	Lawhon,
Bowser,	Lewis,
Browning,	McKinney,
Cranford,	Shelburne,
Crowley,	Simpson,
Dickson,	Steele,
Douglass,	Swayne,
Goss,	Tips,
Greer,	Woods,
Hutchison,	Yoakum.

NAYS—none.

ABSENT—5.

Agnew, McComb,
Dean, Presler,
Jester,

EXCUSED—2.

Smith, Whitaker.

Bill read third time and passed.

The Chair laid before the Senate, Senate bill No. 227, entitled "An act to restore to the county court of Jefferson county civil and criminal jurisdiction."

Bill read second time and on motion of Senator Greer laid on the table subject to call.

The Chair laid before the Senate, Senate bill No. 229, entitled "An act to diminish the civil and criminal jurisdiction of the county courts of Castro and Hartley counties, and to repeal all laws in conflict herewith."

Bill read second time and ordered engrossed.

On motion of Senator Goss, the constitutional rule requiring bills to be read on three several days was suspended and the bill put upon its third reading and final passage by the following vote:

YEAS—25.

Agnew, Imboden,
Atlee, Jester,
Boren, Kearby,
Bowser, Lawhon,
Browning, Lewis,
Cranford, McKinney,
Crowley, Shelburne,
Dean, Simpson,
Dickson, Steele,
Douglass, Tips,
Goss, Woods,
Greer, Yoakum,
Hutchison,

NAYS—none.

ABSENT—3.

Baldwin, Presler.
McComb,

EXCUSED—3.

Smith, Whitaker.
Swayne,

Bill read third time and passed by the following vote:

YEAS—24.

Agnew, Imboden,
Atlee, Jester,
Boren, Kearby,
Browning, Lawhon,
Cranford, Lewis,
Crowley, McKinney,
Dean, Shelburne,
Dickson, Simpson,
Douglass, Steele,
Goss, Tips,

Greer, Woods,
Hutchison, Yoakum.

NAYS—none.

ABSENT—4.

Baldwin, McComb,
Bowser, Presler.

EXCUSED—3.

Smith, Whitaker.
Swayne,

The Chair laid before the Senate

Substitute House bill No. 161, entitled "An act to amend section 38, chapter 141 of an act passed at a regular session of the Twenty-first Legislature of the State of Texas, approved March 30, 1889, entitled an act to amend chapter 61, an act entitled an act to amend section 38 of an act entitled an act to redistrict the State into judicial districts, and fix the time for holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884, approved April 9, 1883, approved March 25, 1887, granting an extension of time for the holding of the district court of Comal county."

Bill read second time, and on motion of Senator Dean, further consideration was postponed until Wednesday next.

The Chair then laid before the Senate

House bill No. 416, entitled "An act to repeal an act entitled an act to diminish the civil and criminal jurisdiction of the county courts of Henderson, Parker, Uvalde, Lampasas, Blanco, Bexar, Kimble, Nueces, Gillespie, Kendall, Wheeler, Oldham, Bandera, Wharton, McMullen, Medina, Frio, Dimmitt, LaSalle, Hidalgo, Starr, Zapata, Duval and Burnet counties, and to conform the jurisdiction of the district and justices' courts of said counties to such change, approved February 25, 1891, as far as same relates to Nueces, McMullen and San Patricio counties, and reinvest the county courts of Nueces, McMullen and San Patricio counties with the jurisdiction, criminal and civil, which they had and exercised prior to the passage of said act diminishing the jurisdiction of said courts."

Bill read second time and passed to its third reading.

Senator Atlee moved to suspend the constitutional rule requiring bills to be read on three several days and that the bill be put upon its third reading and final passage.

No quorum, the following Senators voting:

YEAS—20.

Agnew,	Imboden,
Atlee,	Kearby,
Browning,	Lawhon,
Cranford,	Lewis,
Crowley,	Simpson,
Dean,	Steele,
Dickson,	Swayne,
Douglass,	Tips,
Goss,	Woods,
Hutchison,	Yoakum.

NAYS—none.

ABSENT—9.

Baldwin,	McComb.
Boren,	McKinney,
Bowser,	Presler,
Greer,	Shelburne.
Jester,	

EXCUSED—2.

Smith,	Whitaker.
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Senator Cranford moved a call of the Senate.

Roll called, the following Senators answering to their names:

PRESENT—24.

Agnew,	Hutchison,
Atlee,	Imboden,
Boren,	Kearby,
Bowser,	Lawhon,
Browning,	Lewis,
Cranford,	McKinney,
Crowley,	Shelburne,
Dean,	Simpson,
Dickson,	Steele,
Douglass,	Swayne,
Goss,	Tips,
Greer,	Woods.

ABSENT—5.

Baldwin,	Presler,
Jester,	Yoakum.
McComb,	

EXCUSED—2.

Smith,	Whitaker.
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On motion of Senator Browning, the absentees were excused.

The constitutional rule was then suspended by the following vote:

YEAS—21.

Agnew,	Hutchison,
Atlee,	Imboden,
Boren,	Kearby,
Browning,	Lawhon,
Cranford,	Lewis,
Crowley,	Simpson,
Dean,	Steele,
Dickson,	Tips,
Douglass,	Woods,
Goss,	Yoakum.
Greer,	

NAYS—none.

ABSENT—7.

Baldwin,	McKinney,
Rowser,	Presler,
Jester,	Shelburne.
McComb,	

EXCUSED—3.

Smith,	Whitaker.
Swayne,	

Bill read third time and passed by the following vote:

YEAS—26.

Agnew,	Hutchison,
Atlee,	Imboden,
Baldwin,	Kearby,
Boren,	Lawhon,
Bowser,	Lewis,
Browning,	McKinney,
Cranford,	Shelburne,
Crowley,	Simpson,
Dean,	Steele,
Dickson,	Swayne,
Douglass,	Tips,
Goss,	Woods,
Greer,	Yoakum.

NAYS—none.

ABSENT—3.

Jester,	Presler.
McComb,	

EXCUSED—2.

Smith,	Whitaker.
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The Chair laid before the Senate, House bill No. 446, entitled "An act to amend section 23 of an act passed at the regular session of the Twenty-second Legislature, approved April 13, 1891, entitled an act to amend section 23 of an act entitled an act to re-district the State into judicial districts, and fix the times of holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election to be held on the first Tuesday after Monday in November, 1884."

Bill read second time.

By Senator Crowley:

Amend by inserting the words "the first" between the words "after" and "Monday" in line six of the caption.

Adopted.

Bill passed to its third reading.

On motion of Senator Crowley, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

YEAS—25.

Agnew,	Imboden,
Atlee,	Kearby,
Boren,	Lawhon,
Bowser,	Lewis,

Browning,
Cranford,
Crowley,
Dean,
Dickson,
Douglass,
Goss,
Greer,
Hutchison,

McKinney,
Shelburne,
Simpson,
Steele,
Swayne,
Tips,
Woods,
Yoakum.

NAYS—none.

ABSENT—4.

Baldwin,
Jester,

McComb,
Presler.

EXCUSED—2.

Smith, Whitaker.

The bill was read third time and passed by the following vote:

YEAS—25.

Agnew,
Atlee,
Boren,
Bowser,
Browning,
Cranford,
Crowley,
Dean,
Dickson,
Douglass,
Goss,
Greer,
Hutchison,

Imboden,
Kearby,
Lawhon,
Lewis,
McKinney,
Shelburne,
Simpson,
Steele,
Swayne,
Tips,
Woods,
Yoakum.

NAYS—none.

ABSENT—4.

Baldwin,
Jester,

McComb,
Presler.

EXCUSED—3.

Smith, Whitaker.

The Chair laid before the Senate, House bill No. 265, being "An act to reorganize the Fifteenth judicial district and the Fortieth judicial district, and to amend chapter 67, section 15, of the General Laws of Texas, approved April 9, 1883, redistricting the State for judicial purposes and to amend section 2 of chapter 58 of the General Laws of Texas, approved March 27, 1885, creating the Fortieth judicial district, and to repeal all laws in conflict with this act."

On motion of Senator Woods, the constitutional rule requiring bills to be read on three several days, was suspended and the bill put upon its second reading by the following vote:

YEAS—26.

Agnew,
Atlee,
Baldwin,
Boren,
Bowser,
Browning,

Hutchison,
Imboden,
Kearby,
Lawhon,
Lewis,
McKinney,

21—Senate

Cranford,
Crowley,
Dean,
Dickson,
Douglass,
Goss,
Greer,

Shelburne,
Simpson,
Steele,
Swayne,
Tips,
Woods,
Yoakum.

NAYS—none.

ABSENT—3.

Jester,
McComb,

Presler.

EXCUSED—2.

Smith, Whitaker.

Bill read second time and passed to its third reading by the following vote:

YEAS—24.

Atlee,
Baldwin,
Boren,
Browning,
Cranford,
Crowley,
Dean,
Dickson,
Douglass,
Goss,
Greer,
Hutchison,

Imboden,
Kearby,
Lawhon,
Lewis,
McKinney,
Shelburne,
Simpson,
Steele,
Swayne,
Tips,
Woods,
Yoakum.

NAYS—none.

ABSENT—5.

Agnew,
Bowser,
Jester,

McComb,
Presler.

EXCUSED—2.

Smith, Whitaker.

On motion of Senator Woods the constitutional rule requiring bills to be read on three several days was suspended, and the bill put upon its third reading and final passage by the following vote:

YEAS—23.

Atlee,
Baldwin,
Boren,
Browning,
Cranford,
Crowley,
Dean,
Dickson,
Douglass,
Goss,
Greer,
Hutchison,

Imboden,
Kearby,
Lewis,
McKinney,
Shelburne,
Simpson,
Steele,
Swayne,
Tips,
Woods,
Yoakum.

NAYS—none.

ABSENT—6.

Agnew,
Bowser,
Jester,

Lawhon,
McComb,
Presler.

EXCUSED—2.

Smith, Whitaker.

Bill read third time and passed by the following vote:

YEAS—24.

Atlee,	Imboden,
Baldwin,	Kearby,
Boren,	Lawhon,
Browning,	Lewis,
Cranford,	McKinney,
Crowley,	Shelburne,
Dean,	Simpson,
Dickson,	Steele,
Douglass,	Swayne,
Goss,	Tips,
Greer,	Woods,
Hutchison,	Yoakum.

NAYS—none.

ABSENT—5.

Agnew,	McComb,
Bowser,	Presler.
Jester,	

EXCUSED—2.

Smith, Whitaker.

On motion of Senator Imboden, House bill No. 165, "An act to amend an act passed by the Twenty-first Legislature approved April 4, 1889, entitled an act to amend an act passed by the Twentieth Legislature, approved April 2, 1887, entitled an act to amend article 430 of section 1, and to repeal section 2 of an act entitled an act to amend articles 423, 424, 425, 426, 427, 428, 429, 430a, and to create article 426 1-2 and to repeal article 430, chapter 5, title 13 of the Penal Code of the Revised Statutes, for the protection of fish and game, approved March 15, 1881," was made a special order for next Thursday, March 9, after call.

The Chair laid before the Senate, House bill No. 549, a bill to be entitled "An act to create the Forty-first judicial district of Texas, and to fix the time of holding the district courts in the several counties composing said district."

On motion of Senator Dean, the constitutional rule requiring bills to be read on three several days was suspended and the bill put upon its second reading by the following vote:

YEAS—24.

Atlee,	Imboden,
Baldwin,	Kearby,
Boren,	Lawhon,
Bowser,	Lewis,
Browning,	McKinney,
Crowley,	Shelburne,
Dean,	Simpson,
Dickson,	Steele,
Douglass,	Swayne,

Goss,
Greer,
Hutchison,

Tips,
Woods,
Yoakum.

NAYS—none.

ABSENT—5.

Agnew,	McComb,
Cranford,	Pressler.
Jester,	

EXCUSED—2.

Smith, Whitaker.

Bill read second time and passed to its third reading.

On motion of Senator Dean, the constitutional rule requiring bills to be read on three several days was suspended and the bill put upon its third reading and final passage by the following vote:

YEAS—25.

Atlee,	Imboden,
Baldwin,	Kearby,
Boren,	Lawhon,
Bowser,	Lewis,
Browning,	McKinney,
Cranford,	Shelburne,
Crowley,	Simpson,
Dean,	Steele,
Dickson,	Swayne,
Douglass,	Tips,
Goss,	Woods,
Greer,	Yoakum.
Hutchison,	

NAYS—none.

ABSENT—4.

Agnew,	McComb,
Jester,	Presler.

EXCUSER.—2.

Smith, Whitaker.

Bill read third time and passed by the following vote:

YEAS—25.

Atlee,	Imboden,
Baldwin,	Kearby,
Boren,	Lawhon,
Bowser,	Lewis,
Browning,	McKinney,
Cranford,	Shelburne,
Crowley,	Simpson,
Dean,	Steele,
Dickson,	Swayne,
Douglas,	Tips,
Goss,	Woods,
Greer,	Yoakum.
Hutchison,	

NAYS—none.

ABSENT—4.

Agnew,	McComb,
Jester,	Presler.

EXCUSED—2.

Smith, Whitaker.

On motion of Senator Cranford, Senate bill No. 238, entitled "An act to provide for the registration of brands, trade-marks, etc. of boxes, fountains, syphons, bottles or other receptacles of carbonated goods, and providing penalties for violations of said act," was made special order for to-morrow morning after call.

On motion of Senator Bowser, Senate joint resolution No. 4, relating to exempting manufacturing institutions from taxation, was made special order for to-morrow after call, and from day to day until disposed of.

The Chair laid before the Senate House bill No. 279, being "An act to restore to and confer upon the county court of LaSalle county the civil and criminal jurisdiction heretofore belonging to said court under the Constitution and General Statutes of the State, to conform the jurisdiction of the district court of said county to such change, and to repeal all laws in conflict with the provisions of this act, in so far as relates to LaSalle county."

On motion of Senator Browning, the constitutional rule requiring bills to be read on three several days, was suspended and the bill put upon its second reading by the following vote:

YEAS—24.

Atlee,	Kearby,
Baldwin,	Lawhon,
Boren,	Lewis,
Bowser,	McKinney,
Browning,	Shelburne,
Cranford,	Simpson,
Crowley,	Steele,
Douglass,	Swayne,
Goss,	Tips,
Greer,	Woods,
Hutchison,	Yoakum.
Imboden,	

NAYS—none.

ABSENT—5.

Agnew,	McComb,
Dean,	Presler.
Jester,	

EXCUSED—2.

Smith,	Whitaker.
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Bill read second time.

By Sentaor Lawhon:

Amend House bill No. 279, by striking out of the bill the word "LaSalle" wherever it occurs.

Adopted.

Bill passed to third reading.

Senator Browning moved to suspend the constitutional rule requiring bills to be read on three several days and to put the bill on its third reading and final passage.

Carried by the following vote:

YEAS—24.

Atlee,	Imboden,
Baldwin,	Kearby,
Boren,	Lawhon,
Bowser,	Lewis,
Browning,	McKinney,
Cranford,	Shelburne,
Crowley,	Simpson,
Dickson,	Steele,
Douglas,	Swayne,
Goss,	Tips,
Greer,	Woods,
Hutchison,	Yoakum.

NAYS—none.

ABSENT—5.

Agnew,	McComb,
Dean,	Presler.
Jester,	

EXCUSED—2.

Smith,	Whitaker.
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The bill was read third time, and passed by the following vote:

YEAS—23.

Agnew,	Hutchison,
Atlee,	Imboden,
Baldwin,	Kearby,
Boren,	Lawhon,
Bowser,	Lewis,
Browning,	Shelburne,
Cranford,	Steele,
Crowley,	Swayne,
Dickson,	Tips,
Douglass,	Woods,
Goss,	Yookum.
Greer,	

NAYS—none.

ABSENT—6.

Dean,	McKinney,
Jester,	Presler,
McComb,	Simpson,

EXCUSED—2.

Smith,	Whitaker.
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On motion of Senator Hutchison, Senate bill No. 138, entitled "An act to amend articles 2165, 2166, 2167 and 2181, and to add article 2184a to chapter 28 of the Revised Civil Statutes of the State of Texas," was made a special order for Friday, March 10, after call.

The Chair laid before the Senate, House bill No. 591, being "An act to authorize the board of managers of the Southwest Texas Lunatic Asylum at San Antonio, Texas, to sell, lease or dispose of the water flowing from the artesian wells on the grounds belonging to said asylum."

On motion of Senator Lewis, the constitutional rule requiring bills to be read on three several days was suspended and the bill put upon its second reading by the following vote:

YEAS—25.

Agnew,	Hutchison,
Atlee,	Imboden,
Baldwin,	Kearby,
Boren,	Lawhon,
Bowser,	Lewis,
Browning,	Shelburne.
Cranford,	Simpson,
Crowley,	Steele,
Dean,	Swayne,
Dickson,	Tips,
Douglass,	Woods,
Goss,	Yoakum.
Greer,	

NAYS—none.

ABSENT—4.

Jester,	McKinney,
McComb,	Presler.

EXCUSED—2.

Smith,	Whitaker.
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Bill read second time.

By Senator Goss:

Amer d by adding to section 1, "provided, that the term of said lease shall not exceed ten years."

Adopted.

Bill was then passed to its third reading.

On motion of Senator Lewis, the constitutional rule requiring bills to be read on three several days was suspended and the bill put upon its third reading and final passage by the following vote:

YEAS—26.

Agnew,	Imboden,
Atlee,	Jester,
Baldwin,	Kearby,
Boren,	Lawhon,
Browning,	Lewis,
Cranford,	McKinney,
Crowley,	Shelburne,
Dean,	Simpson,
Dickson,	Steele,
Douglas,	Swayne,
Goss,	Tips,
Greer,	Woods,
Hutchison,	Yoakum.

NAYS—none.

ABSENT—3.

Bowser,	Presler.
McComb,	

EXCUSED—2.

Smith,	Whitaker.
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Bill read third time and passed by the following vote:

YEAS—25.

Agnew,	Imboden,
Atlee,	Jester,
Baldwin,	Kearby,
Boren,	Lawhon,
Browning,	Lewis,

Cranford,	McKinney,
Crowley,	Simpson,
Dean,	Steele,
Dickson,	Swayne,
Douglass,	Tips,
Goss,	Woods,
Greer,	Yoakum.
Hutchison,	

NAYS—none.

ABSENT—4

Bowser,	Presler,
McComb,	Shelburne.

EXCUSED—2.

Smith,	Whitaker.
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On motion of Senator Tips, Senate bill No. 231, entitled "An act to validate sales of real estate within this State made by foreign executors of wills probated in any of the States of the United States," was made special order for Friday, March 10, after call.

The Chair placed before the Senate, Senate bill No. 149, entitled "An act to authorize the trustees of the House of Correction and Reformatory at Gatesville, Texas, to purchase agricultural lands for the purpose of utilizing the labor of the inmates of the State reformatory at Gatesville, Texas."

Bill read third time.

By Senator Douglass:

Add to caption, "and to designate what funds shall be used."

Adopted by the following vote:

YEAS—26.

Agnew,	Imboden,
Atlee,	Jester,
Baldwin,	Kearby,
Boren,	Lawhon,
Bowser,	Lewis,
Browning,	McKinney,
Cranford,	Shelburne,
Crowley,	Simpson,
Dean,	Steele,
Dickson,	Swayne,
Douglass,	Tips,
Goss,	Woods,
Greer,	Yoakum.

NAYS—none.

ABSENT—3.

Hutchison,	Presler.
McComb,	

EXCUSED—2.

Smith,	Whitaker.
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The bill was then passed by the following vote:

YEAS—24.

Agnew,	Imboden,
Atlee,	Jester,
Boren,	Kearby,
Bowser,	Lawhon,

Browning,	Lewis,
Cranford,	McKinney,
Crowley,	Shelburne,
Dickson,	Steele,
Douglass,	Swayne,
Goss,	Tips,
Greer,	Woods,
Hutchison,	Yoakum.

NAYS—none.

ABSENT—5.

Baldwin,	Presler,
Dean,	Simpson.

EXCUSED—2.

Smith,	Whitaker.
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On motion of Senator Swayne, regular business was suspended and Senate bill No. 174, entitled "An act to enable railroad corporations to acquire or construct, own, maintain and operate short extensions and branch or lateral lines of road, without amendment of their charter for such purpose," was taken up.

Bill read second time.

By Senator Baldwin:

Amend section 1, line 6, by striking out "30" and insert in lieu thereof "150."

By Senator Steele:

Substitute the amendment:

Amend section 1 by striking out "30" and insert in lieu thereof "15."

Pending action, Senator Imboden offered the following resolution:

Resolved, That at 12:45 o'clock p. m. the Senate stand adjourned till 3 o'clock p. m., and that during the afternoon session bills shall be considered in their regular order as shown by the Senate calendar.

Senator Kirby made the point of order that the resolution was out of order, as it would operate a change of the fixed rules of the Senate.

Senator Steele substituted the resolution as follows:

"Adjourn to 3 p. m. to-day."

Senator Shelburne moved to adjourn to 10 o'clock to-morrow morning.

Lost.

The Senate then adjourned to 3 p. m. by the following vote:

YEAS—22.

Agnew,	Greer,
Atlee,	Hutchison,
Baldwin,	Imboden,
Boren,	Jester,
Bowser,	Kearby,
Browning,	McKinney,
Cranford,	Steele,
Dean,	Swayne,
Dickson,	Tips,
Douglas,	Woods,
Goss,	Yoakum.

	NAYS—5.
Crowley,	Shelburne,
Lawhon,	Simpson.

	ABSENT—2.
McComb,	Presler.

	EXCUSED—2.
Smith,	Whitaker.

AFTERNOON SESSION.

Senate met pursuant to adjournment.

Lieutenant Governor Crane in the chair.

Roll called.

No quorum, the following Senators answering to their names:

PRESENT—20.

Atlee,	Jester,
Baldwin,	Kearby,
Bowser,	Lawhon,
Browning,	Lewis,
Cranford,	Presler,
Crowley,	Shelburne,
Dean,	Simpson,
Dickson,	Steele,
Douglass,	Swayne,
Hutchison,	Tips.

ABSENT—9.

Agnew,	McComb,
Boren,	McKinney,
Goss,	Woods,
Greer,	Yoakum.

EXCUSED—2.

Smith,	Whitaker.
--------	-----------

Senator Kearby moved a call of the Senate.

Roll called.

Quorum present, the following Senators answering to their names:

PRESENT—21.

Atlee,	Jester,
Baldwin,	Kearby,
Bowser,	Lawhon,
Browning,	Lewis,
Cranford,	Presler,
Crowley,	Shelburne,
Dean,	Simpson,
Dickson,	Steele,
Douglass,	Swayne,
Goss,	Tips.
Hutchison,	

ABSENT WITHOUT LEAVE—8.

Agnew,	McComb,
Boren,	McKinney,
Greer,	Woods.
Imboden,	Yoakum.

EXCUSED—2.

Smith,	Whitaker.
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Senator Baldwin moved to excuse the absentees.

Lost.

Pending further action, Senators Agnew, Boren, Greer, Imboden, McKinney, Woods and Yoakum appeared and desired to be marked present.

On motion of Senator Imboden, Senator McComb was excused from attendance on the afternoon session.

On motion of Senator Bowser, Senator Presler was excused for non-attendance on the morning session, on account of sickness.

When the Senate adjourned this morning it had under consideration Senate bill No. 174, action pending on the substitute offered by Senator Steele for the amendment offered by Senator Baldwin.

By Senator Swayne:

Substitute for the amendment and the substitute therefor.

Amend by striking out "15" and insert in lieu thereof "20."

Senator Steele accepted the substitute.

The substitute as amended was then adopted.

Pending action on the amendment as substituted,

By Senator Baldwin:

Amend by striking out "30" in section 1, line 6, and insert in lieu thereof "80."

Lost.

The amendment as substituted was then adopted by the following vote:

YEAS—15.

Agnew,	Kearby,
Atlee,	Lawhon,
Boren,	McKinney,
Crowley,	Steele,
Dickson,	Swayne,
Goss,	Woods,
Hutchison,	Yoakum.
Jester,	

NAYS—13.

Baldwin,	Imboden,
Bowser,	Lewis,
Browning,	Presler,
Cranford,	Shelburne,
Dean,	Simpson,
Douglas,	Tips.
Greer,	

EXCUSED—3.

McComb,	Whitaker.
Smith,	

By Senator Simpson:

Amend by striking out all after the word "act" in line 22 on page 2, down to and including "hereof" in line 26.

Lost.

On motion of Senator Swayne, further consideration of this bill was postponed till tomorrow morning.

The Chair gave notice of signing, and did sign

House bill No. 564, entitled "An act to amend an act approved July 4, 1887, and the amendatory act thereto, approved March 31, 1891, and to change the times of holding the district courts in the Second and Ninth judicial districts of the State of Texas, and to take Angelina county from the Ninth and attach same to the Second judicial district, and to fix the time of holding courts in said districts, and to provide for the return of all writs and process returnable to the district courts of said counties affected by this act that have heretofore been issued by said courts and that may hereafter be issued before this act takes effect, and made returnable to the terms of said courts as now fixed by law, and to make the same as valid and binding as if no change had been made, and to repeal all laws and parts of laws in conflict herewith."

House bill No. 582, entitled "An act to amend sections 6, 8, 9, 10, 14, 15, 61, 78, 89, 161, and 185 of an act entitled an act to incorporate the city of Dallas and grant it a new charter, approved March 13, 1889, and to repeal section 10 of an act entitled an act to amend sections 10, 21, 28, 94, 120, 140 and 158 of an act entitled an act to incorporate the city of Dallas and to grant it a new charter, approved March 13, 1889, passed by the Twenty-second Legislature, and certified to by the Secretary of State on March 9, 1891, and to repeal all conflicting laws."

Substitute House bill No. 67, a bill to be entitled "An act to provide for the prompt, speedy and economical disbursement of the direct tax refunded to the State of Texas under the act of the Fifty-first Congress, approved March 2, 1892," after the captions of same had been read.

Senator Dean moved to reconsider the vote postponing the consideration of substitute House bill No. 161, entitled "An act to amend section 38, chapter 141, of an act passed at the regular session of the Twenty-first Legislature of the State of Texas, approved March 30, 1889, entitled an act to amend chapter 61, an act entitled an act to amend section 38 of an act entitled an act to redistrict the State into judicial districts, and fix the time for holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884, approved April 9, 1883, approved March 25, 1887,

granting an extension of time for the holding of the district court of Comal county," till Wednesday, the 15th instant.

Carried.

Bill was then read second time and passed to its third reading.

On motion of Senator Dean, the constitutional rule requiring bills to be read on three several days was suspended and the bill put upon its third reading and final passage by the following vote:

YEAS—25.

Agnew,	Kearby,
Atlee,	Lawhon,
Baldwin,	Lewis,
Boren,	McKinney.
Browning,	Presler,
Crowley,	Shelburne,
Dean,	Simpson,
Dickson,	Steele,
Goss,	Swayne,
Greer,	Tips,
Hutchison,	Woods,
Imboden,	Yoakum.
Jester,	

NAYS—none.

ABSENT—3.

Bowser,	Douglass.
Cranford,	

EXCUSED—3.

McComb,	Whitaker.
Smith,	

Bill read third time and passed by the following vote:

YEAS—26.

Agnew,	Jester,
Atlee,	Kearby,
Baldwin,	Lawhon,
Boren,	Lewis,
Browning,	McKinney,
Crowley,	Presler,
Dean,	Shelburne,
Dickson,	Simpson,
Douglass,	Steele,
Goss,	Swayne,
Greer,	Tips,
Hutchison,	Woods,
Imboden,	Yoakum.

NAYS—none.

ABSENT—2,

Bowser,	Cranford.
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EXCUSED—3.

McComb,	Whitaker.
Smith,	

Senator Kearby called up House concurrent resolution relating to the management of the General Land Office, and the same was adopted.

The Chair announced the following committee on the part of the Senate: Senators Yoakum, Lewis and Browning.

Senator Baldwin called up his resolution relating to the adjournment of the Legislature on the 25th instant.

Senator Imboden made the point of order that the Senate had previously adopted a concurrent resolution to adjourn on the 10th instant, which is now in possession of the House, and for that reason the Senate could not adopt this one.

Sustained.

Senator Douglass then moved to postpone further consideration of the resolution till Monday at 11 a. m.

Carried.

Senator Jester moved to suspend regular business and take up

Senate substitute bill No. 191, entitled "An act to provide for the retirement of the past due bonds of the State of Texas, for the payment of interest thereon, and the issuance of other bonds at a lower rate of interest in lieu thereof."

Carried.

Senator Imboden made the point of order that it required a roll call to determine whether or not two-thirds voted to suspend regular business.

Not sustained.

Senator Baldwin moved to reconsider the vote suspending regular business.

Senator Steele moved to table the motion to reconsider.

Tabled by the following vote:

YEAS—23.

Agnew,	Jester,
Atlee,	Lawhon,
Bowser,	Lewis,
Browning,	McKinney,
Cranford,	Presler,
Crowley,	Shelburne,
Dean,	Simpson,
Dickson,	Steele,
Douglass,	Swayne,
Goss,	Tips,
Greer,	Woods.
Hutchison,	

NAYS—4.

Baldwin,	Kearby,
Imboden,	Yoakum.

ABSENT—1.

Boren.

EXCUSED—3.

McComb,	Whitaker.
Smith,	

Senator Baldwin moved to adjourn to to-morrow at 10 a. m.

Lost.

Senator Imboden moved to recommit the bill to Committee on Finance.

Senator Jester moved to lay the motion to recommit on the table.

Tabled.

Senator Baldwin moved to adjourn till 10 o'clock to-morrow.

Lost.

Senator Imboden moved to reconsider the vote by which the motion to recommit was lost.

Lost.

The committee substitute for the bill was then read.

Senator Baldwin moved to adjourn till 10 o'clock to-morrow.

Lost.

The committee substitute was then adopted.

By Senator Yoakum:

Amend by striking the following words out of line 6, Section 1, to-wit: "Four per cent," and insert in lieu thereof the following words: "The same rate of," and insert after the word "annum," in line 7, section 1, "as heretofore."

Senator Steele made the point of order that the amendment was not germane to the section which it proposed to amend.

Sustained.

By Senator Jester:

Amend section 1, line 6. Strike out the word "four" and insert "five."

Amend page 2, section 3, line 5. Strike out the word "four" and insert "five."

By Senator Kearby, substitute:

Amend section 1 by striking all after the word "date" in line 6, down to and including the word "date" in line 7, and insert in lieu thereof the following: "Which bonds shall bear the same rate of interest per annum that the several series of bonds hereinafter mentioned bear, and for the retirement of which these bonds are issued."

Senator Imboden moved to reconsider the vote adopting the committee substitute.

Senator Jester moved to table the motion.

Tabled.

The following message was received from the Governor:

MESSAGE FROM THE GOVERNOR.

EXECUTIVE OFFICE,

AUSTIN, TEXAS, March 8, 1893.

Gentlemen of the Senate and House of Representatives:

Herewith I hand to each of your honorable bodies a copy of the depositions of Mr. Joseph Nalle of Austin, given under oath in answer to interrogatories

propounded to him as a witness in five cases in the United States Circuit Court at Austin, one of which is styled "The Metropolitan Trust Company, trustee, complainants, vs. The Houston & Texas Central Railway Company and John H. Reagan et al., defendants." The cases in which this testimony has been taken are those wherein the federal circuit judge granted an injunction the 22d day of last August against the Texas Railroad Commission. Aside from the constitutional question presented by the complainants in those cases, an issue of fact was raised, and the injunction granted on the ground that the rates fixed by the commission were so low as to diminish the earnings of the railroads below the amount necessary to defray operating expenses and to pay the interest on their bonds: for which alleged reason they were confiscatory of the railway property, and in that respect violative of the United States Constitution. The testimony in the cases was taken on this issue. Had it shed light on the reasonableness of the commission rates only, then no public mention of it by the Executive would be appropriate. But it goes further; it reflects upon the highest officials of one of the most important public highways in the State; and in the reflection it does not fail to expose to public gaze the modern methods of railway management under supervision of federal courts. For this reason, added to the right of the public to have the public highways operated for the public good instead of for public plunder, this testimony is laid before your honorable bodies.

Among other pertinent facts established by it, the following points are made prominent, and deserve special attention:

1. That since 1885, 25 per cent of the compress charges collected by the Houston and Texas Central Railway from the cotton producers has gone corruptly into the private purses of its receiver and managing officials, and not into the railway treasury.

2. That these officials have not been operating that property for the public good, with due regard to the interests of those who have capital invested in it; but have used it to oppress the citizen, to extort unreasonable tolls from the public, and to build up private fortunes by criminal methods.

3. That the receiver and managing officials engaged in this corruption held their positions under and by virtue of the authority of the federal courts.

4. That of these crimes due notice was given months ago to the federal judges in control of the property so

held in trust, and they have failed to have the criminals prosecuted, brought to an account, or to protect the public from the misuse and wilful abuse of the corporate franchises granted to the railway company by the State government.

5. That this great public thoroughfare has been operated by the federal courts for about eight years to the detriment of public interests.

The testimony is clear, unequivocal and, though quite voluminous, merits full consideration in detail by reason of its public importance. All along the line, though not needing it, documentary evidence to fully corroborate the witness, is used by him. The proof shows beyond doubt that before the railway property was put into the hands of the federal court, 50 cents a bale was imposed on the producer for compressing; and that no concessions, tributes or bonuses were asked or exacted by or paid to the railway officers for furnishing the cotton to the compresses. That soon after the railway property was taken charge of by the federal court and placed in the hands of a receiver these same compresses were compelled to charge, not only the 50 cents a bale for railway purposes, but were coerced into the payment of an additional 15 cents a bale for the private pockets of the receiver and general freight agent under him. That this increase in price for compressing was forced upon the owner of the compress by the demand of the said federal court agents under their threat to destroy private property by misuse and abuse of the corporate franchises. That to save his property from confiscation by these federal court officers this citizen was compelled to sell one-half interest in his compresses at a price less than half its value, arbitrarily fixed by themselves. That by these federal officers private shippers of cotton were peremptorily refused the privilege of having their cotton compressed where they chose, but were forced to give it to the compress named by said officials. That to have the cotton compressed where these officers desired, they forced it to points away from its nearest route, entailing an extra haul on the road often a hundred miles, compelling the shipper to pay the extra expense of the unnecessary service. That as soon as the railway property was sold out, with the prospect of going into new hands, the federal traffic agent notified the compress owner that the price of compressing would be changed to its old rate of 50 cents a bale, showing conclusively that the extra 15 cents per bale was exacted for private purposes. That by

reason of their power to crush out the private citizen, these federal officers forced him to incorporate his compresses, issue stock to them at a price arbitrarily fixed by themselves; and then, by the peculiar methods of "freezing out," known in corporate circles, they and their associates in time became the owners of all the compress property. That they forced the citizen to sell his stock at 33 $\frac{1}{3}$ per cent of its face value; and after they got possession of it, the proof shows that it increased to twice its face value, to be worth 200 cents on the dollar, and paid 14 per cent dividend to them. That on \$150,000 of stock of the compress property, which cost only \$75,000, the public, through the oppression of the federal court officers in the abuse of corporate franchises, was forced to pay a dividend of 14 per cent. That when the citizen refused to pay money to the receiver the compress was operated at a loss; but when he paid his exactions, the compress paid 28 per cent dividend on the cost of the property. That in last November the facts showing the corruption of the federal court receiver and officers were filed on affidavit before the United States Circuit Court judge for Texas, at New Orleans; and, in the language of the witness, the judge assured him "that he would have nothing to do with the case;" that he "would transfer the whole matter to the other circuit judge for such action as he might see proper." The witness states that the matter has not been investigated so far as he knows by the federal court; but that the receiver "resigned" the next day after the said exposure by complaint was made, but that he yet operates the property. He also shows that these federal court officers owned an interest in other compresses in the State. The witness is a prominent, well informed business man, and swears that he believes an examination of the different stock books of the compresses in the State "will show that one-half or more of the whole property is owned by or held for railroad officials;" and that "it is a prevalent belief that a compress cannot succeed unless the railroad officials are interested; and in the light of his personal experience, would deem it an act of idiocy for any one to invest in cotton compress property without first satisfying the greed of the railway officials of the line on which it was to be located." In justice to the public it may be proper to state that the federal officials named by the witness as owning and controlling the compress stock are Charles Dillingham, then receiver, and Daniel Ripley, then

general traffic manager, and A. Faulkner, then general passenger agent, of the said Houston & Texas Central Railway, appointed by and under the authority of the Federal Circuit Court.

In connection with these important depositions, given in answer to questions asked to refute the charge that the traffic rates fixed by the commission are confiscatory of the railroad property, it is well to take a view of the history, record and reports of this public highway. It is one of the oldest railways, and traverses the richest, most productive and best settled portions of the State. For its main line and branches (about 520 miles long) the company received in grants from the State 4,769,280 acres of fine land, besides a free right-of-way over public domain, together with other privileges and franchises of rare value. During a period of over thirty years it was permitted, without restraint, to levy and collect traffic charges and manage its own affairs at will. In every way it was indulged and encouraged by a generous public. Notwithstanding this, the complaint became general though false, that "the property was not paying;" and in 1885 the creditors had it placed in the hands of a receiver in the federal court. The year before this property went into the receivership its stock amounted to \$7,700,000, and the outstanding bonds against it amounted to \$16,000,800, aggregating, in stocks and bonds, \$24,500,000, a large portion of which being certainly fictitious. This railway property, and the lands worth probably \$12,000,000, were sold under decree of the said federal court in 1888 for the alleged sum of \$10,000,000. After staying in the hands of the federal court before and after said sale for about eight years, this railway is minus its vast landed property, in acreage larger than the States of Connecticut and Rhode Island, and would be supposed to stand clear of debt. Regretfully such is not the condition. The bonds and stocks on it to-day aggregate \$26,873,000. On this point the public is certainly interested, for the federal court restrains the commission from enforcing rates which it holds are not high enough to pay interest on railroad bonds. As said before, these lands and the entire railroad property sold out five years ago for \$10,000,000; and the railroad of itself, without the land to help bear it, now stands for over \$26,000,000 in stock and bonds—over \$50,000 to the mile—and the railroad is yet in the hands of the federal court, demanding that traffic rates be maintained high enough to pay interest on those

bonds.

The traffic receipts of this property in 1884 were \$2,752,000; and in 1885 they decreased and amounted to \$2,739,915. While the expenses of 1884 were reported to be \$665,000, they ran up in 1885 to \$2,052,377, or an increase of expenses of the latter year over the former year of \$1,387,377. So it will be seen that during the first year of this federal court control the traffic earnings of the road decreased, while the expenses increased over 300 per cent over the time when it was free from such management. This increase of expense the first year of the receivership may be chargeable to betterment, but the official reports show that year by year the expenses continued to increase from \$250,000, until in 1890 they reached over \$750,000 more than for the first receivership year. During this receivership this road collected from the public \$25,975,520, and claims to have expended \$19,883,826 thereof. At times the expenses of this road are claimed by the receivership to have been 87 per cent of its gross receipts; and never until the commission fixed its rates and begun an inspection of its affairs were its expenses reduced to 71 per cent of its gross receipts. Standard authorities say that the expenses of the average railway in the United States amount to 60 per cent of the gross receipts. While this Houston & Texas Central Railway is far above the average in every respect, its expenses under this receivership have never fallen below 70 per cent of its gross receipts. What of fault or virtue there may be in such increased expenditures the public may never be apprised, for the whole of it is within the exclusive jurisdiction of the federal judiciary.

Link together this remarkable record with the bold extortions on one citizen by the receiver and general freight agent of this road; in a spirit of fairness view them. Is this all the Legislature can do? Has the State reached that condition of retrogression and imbecility that it must remain a helpless witness to such outrages upon her people? Must she admit that her autonomy has at last been destroyed by the federal circuit judges? Is it possible that the creatures on whom she has lavishly bestowed her richest bounties shall retreat behind any power or authority, free from her control? Shall corruption, backed by any authority whatsoever, enter her dominions and lay the mailed hand of extortion and oppression upon the citizen by the abuse of corporate franchises, and go unwhipped of justice.

Measured by the constitution and laws all courts and officers, state and federal,

must stand. None of them are beyond the law. For no one is there immunity in such a thing as the "higher law"—a myth behind which criminals crouch to undermine and destroy this government. High and low; public officials and private citizens: the thief of a dime, the robber of millions—all alike are amenable to the same law. By its impartial application the greatest criminal may be reached and drawn down to the level of justice and visited with condign punishment.

Where there is a will there is a way. The State is not so weak that it must permit its railways to be used by any power as instruments of oppression. She has the right to punish the corporations directly, and she is amply able to see that officials who claim immunity under federal authority are brought to the bar of justice—before the proper tribunal—to answer for their misconduct, oppression and crimes in the abuse of corporate franchises. No cloak of authority is broad enough or so immutable as to vouchsafe protection to crime. Deep-laid in crime is the spirit that leads to the abuse of a public trust. Railroad receivers and officials have public trusts to perform. When they levy tribute on the citizen for private ends, they commit a villainous offense against the public. All parties to it, and those who fail when duty calls them to check the act, are culpable and should not escape.

The prevalent custom of operating railroads through federal court receiverships is pernicious, born of arbitrary power, defiant of private rights, subversive of public policy, and is the embodiment of danger to free institutions. Nothing illustrates this more than the proof of Mr. Nalle. What he shows to be the treatment by railway officials of persons engaged in cotton compressing is understood to apply to those engaged in manufacturing of all kinds with the hope of remuneration. Their success depends on the favoritism of railway managers. To correct this evil, as well as to establish just rates, the Railroad Commission was created. To avoid inspection and regulation by this State authority, the railways created and endowed by the State government cringe behind federal court injunctions and receiverships. Mr. Nalle tells of Receiver Dillingham calling on him to take back the Ennis compress stock, because of interrogatories propounded to him by the citizens of Corsicana, which he had to answer. Right here it is a pertinent point, affording an index to the vicious methods of such receiverships. Years before that road was taken charge of by

the federal court, the people of Corsicana, by private subscriptions and liberal bonuses, made a contract with the railroad company to permanently locate its machine shops there. This was done, and for several years harmony and satisfaction prevailed between those people and the railway. After the federal receiver took charge of the railway property, and, together with his co-officials, became interested in Ennis, especially in the compress there, he moved the machine shops away from Corsicana to that place, about thirty miles distant. The Corsicana people tried to prevent this high-handed act by applying to the federal circuit judge for an injunction to restrain the receiver. They came out of that case about like all other citizens do when they attempt to "interfere" with federal court officials in the exercise of their unrestrained, arbitrary power. It was in this case that the charge was publicly made calling in question the integrity of the court's receiver, but to no avail, for the machine shops were promptly moved and the receiver retained. Thus the speculation and oppression were consummated. While testifying in that case the receiver was prepared to answer questions, as he had "disposed" of his interest in the Ennis compress stock. After swearing, he regains it with increased advantage, until he and his associates own it all. So, starting in poor, in a manner penniless, these officials, not satisfied with liberal salaries, grow rich in a few years by the virtual confiscation of the property of one citizen. How many others have been the subjects of their greed and rapacity, gratified from the strongholds of federal authority, may be known only by learning how many compresses, oil mills, elevators, stock pens, lumber yards, and factories of various kinds that have been operated for a period of years with seeming success along the lines of that railway.

The time has come for the public to raise the hand of justice and strike down such villainy. Two years ago I pointed out by message the crimes against the State committed by subordinate federal officials, and called on the Legislature to make suitable appropriations to defray the expenses of bringing the offenders to justice. Nothing was done. The Governor and the people were left helpless witnesses to the insidious but certain course of the "subtle corps of sappers and miners constantly working underground to undermine the foundation of our government."

Since the warning sounded by the great author of the Declaration of Inde-

pendence that "the germ of dissolution of our federal government is in the constitution of the federal judiciary, an irresponsible body, working like gravity by night and day, gaining a little to-day and a little to-morrow, and advancing its noiseless step like a thief over the field of jurisdiction until all shall be usurped from the States, and the government of all consolidated in one." patriots have pondered over the situation for relief, but have signally failed. Suppose Mr. Jefferson had a view of Mr. Nalle's testimony, and could take a sight at the daily conduct of the subordinate federal judiciary sequestered for life behind bulwarks built, not by Congress, but by their own decisions?

Suppose he could see a great public highway remain for eight years in the hands of a federal court, whose officers, by the exercise of corporate franchises granted by the State, levy tribute on the citizen for the amassment of great private fortunes? Suppose he could read the opinion of a circuit judge modifying and setting at naught the decision of the supreme court of the State, as has been done in Texas? Suppose he could see a federal circuit judge reach out and take a railroad away from the State court for receivership purposes, when the State itself was seeking to forfeit, and did forfeit, its charter for abuse of its franchises? Suppose he could witness a federal judge running a railroad without a charter, as is being done in this State? Suppose he had lived to read the terrible arraignment of federal receiverships by the supreme court of the United States? On that subject, in an important case, that court said: "If these receivers had been appointed to sell the roads, collect the means of the companies and pay their debts, it might have been well enough. But this was hardly ever done. It is never done now. It is not the purpose for which a receiver is appointed. He generally takes the property out of the hands of its owner, operates the road in his own way, with an occasional suggestion from the court, which he recognizes as a sort of partner in the business; sometimes, though very rarely, pays some money on the debts of the corporation, but quite as often adds to them and injures prior creditors by creating a new and superior lien on the property pledged to them."

The warning of this great man, coupled with this severe criticism made by the Supreme Court of the United States, must cause a patriotic people to view the encroachments of the federal power upon States' rights through the modern

medium of railway receiverships, with serious apprehension and alarm. The climax has been reached and exposed to public view. To flinch at the call of duty drags manhood to ignominy. Response to its call with the firm tread of fearless independence leaves manhood and conscience unsullied, pure. The time for action by Texans has not passed. Public interests demand a halt. Life to commerce is nurtured by its freedom. The corporate shackles on industry must be cut by the hand of State sovereignty. Texas must control her carriers. She must scourge back the horde of federal officials when they oppress the citizen and sap commerce by the abuse of corporate franchises. Prosperity, the legitimate fruit of industry and economy, springs from energy and hope. Destroy hope, energy becomes paralyzed, economy futile, prosperity impossible. A blight spreads over all these when the State government surrenders her functions to the arbitrary use of any power. To preserve her self-respect, to guarantee to the citizen what is due him, to set an example to the world, illustrating her power to do and demand justice, the State of Texas can not escape the responsibility of taking action now to prevent the recurrence of this disgraceful receivership perfidy.

To this end, therefore, I beg to recommend the adoption of laws substantially embodying the following provisions:

1. That the charter of every railway company and other corporation shall be forfeited if its property shall remain in the hands of a receiver for a longer period than three years; and make the rechartering of every such corporation or its successors to be conditioned, among other things, upon the payment of heavy penalties to the State.

2. That all railroad officials and traffic agents shall be deemed and held to be public officials, and as such shall be prohibited under suitable penalties from using the railway property in the assistance or support of any private business or enterprise in which they may be interested in competition with other people.

3. Set aside a liberal appropriation by and out of which the Governor may pay the expenses of all necessary investigations and prosecutions of federal officials when they violate State laws or willfully infringe on States' rights.

I beg further to recommend that you adopt resolutions instructing the senators and requesting the representatives in Congress from Texas:

1. To offer and support a resolution in the Congress to have the conduct of

the federal officials investigated and acted on in relation to their management of all railroads in this State over which federal receivers have been appointed, and especially of the Houston and Texas Central Railway for the eight years of its receivership pending in the federal court.

2. To offer and support a bill to limit the jurisdiction of the subordinate federal judges in general, and to define who are citizens within the meaning of the Constitution of the United States, so that corporations created by the State shall not be subject to the jurisdiction of the federal courts.

3. To offer and support a resolution for Congress to propose to the several States an amendment to the federal constitution making the United States judges appointive for a limited period of years, and renewable by the President and Senate.

4. To support a law abolishing the office of one or both the circuit judges for this district as being a useless expense to the government.

Though the crafty hand of the federal judge has swung the pendulum of public opinion too far from the line of states' rights for the public good, the alarm has at last been touched and public attention aroused. In the light of Mr. Jefferson's prophecies the situation is seen and understood. A change must come. The pendulum must be restored to its equilibrium. Through the congress of the United States must the work be done. Let Texas do her part.

Respectfully,

J. S. HOGG,
Governor of Texas.

In the United States Circuit Court, Western District of Texas, Fifth Circuit, at Austin, Texas. The Metropolitan Trust Company, Trustee, Complainants, vs. the Houston and Texas Central Railway Company and John H. Reagan et al., Defendants.

Questions to and answers of Joseph Nalle, of Austin, taken in the foregoing and five other cases filed in the Circuit Court, at Austin:

Q. State your name and occupation, and your place of residence, and how long you have resided in your present place of residence.

A. Joseph Nalle, lumber merchant, Austin, Texas, twenty-two years.

Q. Please state if in past years your occupation has brought you in business relations with the railroads of the State of Texas. If yea, state how long you have had business relations with the railroads of Texas.

A. Yes. About twenty-one years.

Q. Please state the character of your business in past years, and if you had occasion by reason thereof to ship over the railroads, and to what extent.

A. Lumber business. Have shipped large quantities of freight during that time, usually in carload lots.

Q. If you say you dealt in lumber or other products, please state if you ever had any advantage over your competitors in business; and if yea, state by what methods and through what sources you obtained the advantage over your competitors.

A. I have no recollection of ever having been granted any special favors, privileges or rebates not accorded or tendered my competitors.

Q. If you say you have had advantages through rebates, special rates, or any other character of discrimination, please state specifically the rate given or discrimination made by the railroads, and state what was the open rates charged by the railroads at the time.

A. Answered in No. 4 (just above).

Q. If you say discriminations of any character were made in your favor, please state if you had to pay any one for the same; and if yea, state to whom the payment was made.

A. Answered in No. 4.

Q. If you say discriminations of various kinds were made by the railroads, please state if you know whether discriminations in favor of other persons than yourself were made; and if yea, to whom, and give the character of such discriminations; and if you know, state if anything was paid for the special privileges; and if yea, to whom, and what way paid.

A. Answered in No. 4.

Q. While engaged in shipping over the railroads of Texas, please state if in your experience the open rates were adhered to. Were not the rates unstable, and did not this condition unsettle business?

A. My experience and observation led me to the belief that open rates were not strictly adhered to. I consider that rates were unstable and did have a tendency to unsettle business.

Q. Please state if in your experience the power of the railroads over the business interests of the State has been exercised with any degree of fairness or equity to shippers; and if not, state in what respect the railroads of the State have failed in their duty of fairness and equality to all their patrons.

A. I am not prepared to return a specific answer to this question. My experience as a shipper of lumber exclusively would hardly justify me in speaking for the general shipping public. The

rates charged on lumber I have always regarded as excessive and as discriminating against State dealers.

Q. Have you ever owned any cotton compresses on any railroad lines in the State? If yea, state on what lines of railway, at what points, and state what induced you to locate the plants at such points and what they cost you.

A. Yes; at one time I owned two cotton compresses, one located at Waco, McLennan county, and the other at Ennis, in Ellis county, both located on the line of the Houston and Texas Central Railroad. I was induced to build the presses at both points named by representations made to me by the then manager of the road, that the railroad company would extend me all possible aid and assistance and foster the enterprises by giving me the company's entire business at these points—that is, the cotton controlled by it at those points. I was told that the advantages accruing from the building of the compresses would be reciprocal—that while yielding me a handsome profit upon my investment, they would materially assist in increasing the business of the road. Under these promises the two compresses were erected by me at a cost of about \$75,000.

Q. If you say you were induced to place said cotton compress on certain lines of railway in Texas by reason of certain promises and agreements made by the officers of railroads in Texas, please state specifically the agreement, promise or consideration offered; and state whether they were carried out, and if so state what you paid for the privileges granted, and to whom you paid it. Give a complete statement of your dealings with the railroads in reference to the construction and subsequent use of your cotton compresses.

A. Under specific promises from the then management, that if I would build a compress at Waco, on the line of the Houston and Texas Central Railroad, to meet the competition of a compress established at that point on the line of the Missouri, Kansas and Texas Railway, I should have the support and influence of the road in the securing of all cotton handled by it at that point and points above. I built the Waco compress in 1883. In the following year (1884), under similar promises, I built a compress at Ennis, also on the line of the Houston and Texas Central Railway. No concessions, tributes or bonuses were asked or expected of me by the then management, and none were ever paid by me to him or any other person under him. The promises and pledges made me by the then represent-

ative of the railroad company were faithfully fulfilled for the seasons of 1883-4 and 1884-5. After that came a change in the railroad management, and with it came a change in my business relations with the road. A detailed statement of the causes leading up to this change will be fully set forth in answer to subsequent interrogatories.

Q. If you have any written evidence of amounts paid officials of railroads for certain privileges granted to you in compressing cotton for shipment, attach the same to your answer; and if they are receipts for money that you wish to retain, let the notary attach certified copies and identify the same?

A. As the payments of money made by me to the receiver and general freight agent of the Houston and Texas Central Railway respectively, were paid to them at their request personally, I have not the written receipts in my possession to evidence the acknowledgment upon their part of the specific sums received by them; but the books, papers and vouchers of the railroad company and of the compresses for the periods referred to will fully substantiate and corroborate in detail the various amounts. In this connection I submit herewith a note from Mr. Chas. Dillingham, receiver of the Houston and Texas Central Railway, and the facts connected therewith: On the 5th of October, 1886, I forwarded to Mr. Dillingham my personal check on the First National Bank of Houston for \$1221.20, the amount being the aggregate of 10 cents on each of 12,212 bales of cotton compressed at my presses for the month of September, 1886, for the Houston and Texas Railway. The check was returned to me by Mr. Dillingham with the following note in pencil:

[Copy.]

"October 8, 1886.

"J. Nalle: Please send currency by express.

"C. D."

I complied with his request, retaining the check, which I still hold in my possession, and remitted to him in currency the amount—\$1221.20—by Wells, Fargo & Co.'s express, as copy of receipt herewith given attests. The check was never presented by Mr. Dillingham to the bank for payment. Had it been, it would have been promptly paid, as the officers of the bank will so certify.

[Copy.]

"AUSTIN, TEXAS, October 10, 1886.

"Received of J. Nalle package sealed and said to contain currency valued at twelve hundred and twenty-one dollars

and twenty cents, addressed Chas. Dillingham, Houston, Texas.

"For the company,

"MCGRAW,

"Agt. Wells, Fargo & Co.'s Express."

To this I received the following acknowledgment from Mr. Dillingham:

[Copy.]

"HOUSTON & TEXAS CENTRAL RY. CO.,

"RECEIVER'S OFFICE,

"HOUSTON, TEXAS, Oct. 14, 1886.

"J. Nalle, Esq.:

"DEAR SIR: Yours received. I go to New Orleans tonight for some days.

"Did the statement you gave me include Waco?

"The movement of cotton is less than half what it was last year at this time, and not nearly as large as during September. What is the matter? Is the crop short. It certainly must be on the Austin branch.

"I return Mr. Watson's letter. You are getting all the transit cotton we can control at Ennis.

"Yours truly,

"C. DILLINGHAM."

Q. Please state how many officers of railroads you were paying for cotton delivered at your compresses: and if more than one, state to whom and why you were compelled to pay more than one, and what you were paying each. Give a statement of the acts and conversations that brought about this payment of tribute to procure cotton for your compresses, and what induced you to do it.

A. A detailed answer to this interrogatory necessarily carries with it, in full or in part, answers to interrogatories numbered respectively, 14 and 15, and can be more fully set forth and understood by the reproduction of the following copy of a letter addressed by me to Mr. C. P. Huntington, who was generally regarded as largely interested in the Houston & Texas Central Railway, and in fact controlling its management.

[Copy.]

"AUSTIN, TEXAS, June 16, 1892.

"Mr. C. P. Huntington, New York:

"DEAR SIR: Knowing that you are largely interested in the Houston & Texas Central Railroad, and without desiring to trespass upon your time, I place in your possession certain facts regarding the management of that great thoroughfare, which can not fail to command your attention.

"I know that it is a prevalent idea that gentlemen occupying high and responsible positions like yourself are not usually willing to accord a patient audience to a private citizen, but I can not be-

lieve that you will be so deaf to your own interests or those of your patrons as to refuse in this case to give an impartial hearing. I shall not tax your time nor patience with lengthy details, but briefly and concisely as possible place before you the methods by which your receiver, Mr. Charles Dillingham, and your general freight agent, Mr. Daniel Ripley, manage the great property under their control.

"For about twenty years I have been largely engaged in the lumber trade, with yards at, among other places, Waco, Austin and Alexander, all situated on the line of the Houston & Texas Central Railway. In the summer of 1883 I was urged by the then management of the said railroad to build a cotton compress at Waco, to meet the competition of a compress established at that point on the line of the Missouri, Kansas & Texas Railway, being repeatedly assured that I should have the support and influence of the road so far as it could be extended through the cotton it controlled at that point. I built the compress, and in the following year, also at the urgent solicitation of the then management, I built another compress at Ennis, also on the line of the Houston & Texas Central Railway.

"At the commencement of the cotton season of 1885-86, the management having undergone a change, I was approached by Mr. Daniel Ripley, general freight agent, with the demand that I should pay him an individual bonus of 12½ cents on each bale of cotton given my presses by the Houston and Texas Central Railway during the season for compression. I declined to accede to his demand, when finally he offered to increase the price for compressing from 10 cents per 100 pounds, or 50 cents per bale, to 12 cents per 100 pounds, or 60 cents per bale. Recognizing that it was in his power to ruin my business and render my property valueless I reluctantly consented to pay his tribute, and as a result I paid him the sum of \$7,474.62, it being 12½ cents per bale on 59,799 bales of cotton compressed at Waco and Ennis for the Houston and Texas Central Railway Company for season of 1885-6.

"At the commencement of the season of 1886-7 Mr. Chas. Dillingham, receiver, in a personal interview, demanded that I should pay him for his own use a bonus of 10 cents per bale on all cotton controlled by his road and pressed by my two presses. I declined to do so, assuring him the business would not stand such a levy, and expostulated with him; but knowing his power to crush me through his position as receiver

of the road, I yielded to his demand for 10 cents per bale. Doing so, however, compelled me to cease the tribute to Ripley, and I so advised him. In angry tones he (Ripley) accused me of 'going back on him' for Dillingham, and declared repeatedly that he would make it 'hot for me.' Undeterred by his threats, I firmly declined to pay further tribute to him. He remarked: 'I have got some money and I will tell you what I will do. I will make the price of compressing 13 cents per 100 pounds, or 65 cents per bale, and you pay me 5 cents per bale.' Situated where resistance was futile, I no longer resisted but let him manage to suit himself. For that season (1886-7) I paid to Mr. Chas. Dillingham and Mr. Daniel Ripley, receiver and general freight agent, respectively, of your great thoroughfare, the sum of \$11,425, being 15 cents per bale on 76,167 bales of cotton compressed at Waco and Ennis for the Houston and Texas Central Railway Company.

"During the following season, 1887-8, I paid to Mr. Chas. Dillingham and Mr. Daniel Ripley the further sum of \$9,939.30, it being 15 cents per bale on 66,262 bales of cotton compressed at Ennis and Waco for the Houston and Texas Central Railway Company by my two compresses.

"The following season, to save my property from virtual confiscation, I sold to Mr. Chas. Dillingham and Mr. Daniel Ripley one-half interest in my two compresses at a price fixed by themselves, receiving \$25,000 for property at a fair valuation worth \$50,000. For some reason, unquestionably satisfactory to Mr. Ripley, he diverted all the transit cotton of the season of 1890-1 to the National or McFadden compress, located at Waco; so that, instead of receiving a fair dividend upon my investment, the Waco press was run at a heavy loss. Mr. Ripley and Mr. Dillingham, for reasons afterwards plainly apparent, were so determined that the property should prove unprofitable, that Mr. Burden and Mr. Thompson, cotton buyers at Dublin, were peremptorily refused the privilege of having their cotton compressed at my press, after repeated requests, and forced to give their cotton to the National or McFadden press. In fact, over 7000 bales of cotton were hauled by Mr. Ripley's orders from Marlin and other points south of Waco, compressed at the National press, and thence retransported south to Houston or Galveston, entailing an extra haul on the road of 100 miles, more or less, at its own expense, and for which it received no additional compensation whatever. Rec-

ognizing my inability to cope with such opposition, and making a virtue of necessity, I gladly disposed of my remaining interest in the compresses two or three months ago to a gentleman representing Messrs. Dillingham and Ripley, who are now the possessors of \$110,000 of the \$150,000 of the stock for which the Waco-Ennis Compress Company was stocked, at a cost to them of 37½ cents on the dollar.

"As to the statements herein contained, I court and request the fullest investigation as to their truth, and stand ready at call to substantiate them by corroborative circumstances, letters, express company's receipts, etc., and by vouchers on file in the railway company's office. The matter is in your hands to take such action as you may deem proper and as the premises suggest.

"Very respectfully,

"[Signed] JOSEPH NALLE."

To this I received from Mr. Huntington the following reply:

[COPY.]

"23 BROAD STREET,

"NEW YORK, June 22, 1892.

"Jos. Nalle, Esq., East Sixth Street, Austin, Texas:

"DEAR SIR: Yours of the 16th is received, and has been carefully noted. Some time I will take this whole matter up with you; but I am not ready, for reasons that it is not necessary here to explain, to take it up at present. I will ask you not to say anything to anybody in reference to the matter, although any further data that you can get that will be useful when the time of action arrives, it would be well for you to acquire. I shall say nothing to any one about it myself until after I again communicate with you.

"Yours very truly,

"C. P. HUNTINGTON."

Q. What became of your compresses; and if you say a stock company was formed to operate them, state for how much the plants were capitalized, who got the stock, how it was divided, and what was paid for it.

A. In the summer of 1888 I was notified by Mr. Ripley, the general freight agent, that in future the price of compressing allowed by the railroad company would be reduced from 65 cents a bale to 50 cents a bale. He said he was compelled to do this as the road had been sold and would soon pass from the receiver into the hands of the purchasers, and he could not afford to assume all the risk while Dillingham was reaping the lion's share of the profits. Besides, if any trouble

should come up he felt sure Dillingham would not stand by him. I told him that at a 50 cent rate I could not afford to give up any part of it, and he then suggested that I form a stock company and issue to him and Dillingham a block of the stock. I objected to the proposition, telling him I was opposed to mixing up with stock companies, and preferred to retain the properties in whole. After some further conversation, I left Ripley and went to Mr. Dillingham's office. I told him of Ripley's action in reducing the price of compression from 65 cents a bale to 50 cents a bale, at which he expressed surprise, saying Ripley had not informed him of his intention, and added: "Of course, that will make no difference in our arrangement. You will still continue to pay me 10 cents a bale for all cotton compressed by you furnished by our road?"

I explained to him that it would be impossible for me to do so, but he continued to repeat: "Oh, you can pay me ten cents a bale." I told him positively I could not and would not, and that sooner than be levied upon in that manner I would rather dispose of an interest in the compresses to him and Ripley, or shut them down altogether. Mr. Dillingham then asked what I would let him and Ripley have a half interest for. I told him that, considering all the circumstances, I would sell him and Ripley a half interest in both plants for \$60,000. He objected to the sum as too high, and after considerable talk finally offered me \$25,000. I left his office after declining his offer and went to Ripley's office. I detailed to Ripley my conversation with Dillingham and the latter's offer of \$25,000 for a half interest. Ripley insisted and urged me to accept the proposition, stating that I should lose nothing thereby, and that the increased business would more than recompense me for the sacrifice made in disposing of the property at less than half of its value.

Under these circumstances, supplemented by the statement from Ripley that he had been offered a large block of stock at a nominal figure in the McFadden or National compress, a rival enterprise erected at Waco the year previous by the McFadden Bros., of Philadelphia, I reluctantly consented to incorporate my compress properties as a stock company, and capitalize the same at \$150,000, one-half, or \$75,000, of the stock to be retained by myself and the remaining half to be equally divided between Dillingham and Ripley—\$37,500 each. I agreed to accept the sum—\$25,000—arbitrarily fixed by themselves,

and issued to them the number of certificates of stock to which they were entitled as owners of a one-fourth interest each in the two plants.

The real value of the properties can be better be understood from the subjoined extract from the sworn deposition of A. Faulkner, Mr. Dillingham's general passenger agent, taken in a suit tried before the Travis district court, styled "D. Ripley vs. Waco-Ennis Compress Co." Faulkner had meanwhile become possessor of several shares of the stock, and in the above-named suit, under oath, testified as follows as to the value of the stock: "The real value of the stock I consider twice its face value, as it paid 14 per cent dividend while I owned it." As the face value was \$100 per share, it was worth, according to Faulkner's sworn testimony, 200 cents on the dollar. (Vide deposition of A. Faulkner in suit of D. Ripley vs. Waco-Ennis Compress Co., now on file in the office of the clerk of the district court of Travis county.)

Of course it was mutually understood and specifically and plainly stated that both Dillingham and Ripley, in consideration of my relinquishing to them a half interest in my property for a sum less than half its true value, would do all they could to assist and increase the business of the presses, which they did during the seasons of 1888-89 and 1889-90. It should be understood that previous to the two seasons of 1888-89 and 1889-90, when dividends were declared and paid, I paid the bonus demanded—ten cents to Mr. Dillingham and five cents to Mr. Ripley on each bale of cotton compressed that I received from the Houston and Texas Central Railway. On the first day of September, 1889, Mr. Dillingham wired me to meet him in Houston, which I did.

In the interview which followed, Mr. Dillingham stated that owing to a suit which had been, or was about to be instituted by the citizens of Corsicana, to prevent the Houston and Texas Central Railway company from moving its machine shops from that place to Ennis, he would be compelled to dispose of his compress stock, and desired that I should take it off his hands. I did so, paying him an advance on the price he had paid me for the entire block of stock issued to him less \$5000, which amount he had previously sold to A. Faulkner, his general passenger and ticket agent, for 100 cents on the dollar. My repurchase of the stock was a bona fide transaction, made alike as a business investment, and as a courtesy to Mr. Dillingham to relieve him from the

embarrassment into which he was thrown by the institution of the suit against his road by the citizens of Corsicana. It was mutually agreed between Mr. Dillingham and myself that Ripley was to be kept in ignorance of the transaction, and be left under the impression that Dillingham was still the owner of the stock originally purchased.

A dividend of 14 percent was declared for the season of 1889-90, and I paid Mr. Ripley the sum of \$5250 as the amount due on his stock of \$37,500. On the payment to Ripley of this dividend, he having advised Mr. Dillingham of the fact, that gentleman at once came to Austin and demanded that I should pay him the same amount as a dividend that I had paid Ripley. As I had purchased Mr. Dillingham's stock outright before the season commenced with no provision, or even hint, that he was to draw the dividend for the succeeding season, I declined to accede to his demand, and plainly told him so. Some months after Mr. Dillingham's visit, Mr. Ripley called on me in the interest of that gentleman's demands. Mr. Ripley complained of my treatment of Mr. Dillingham, as told to him by that gentleman, and insisted that I must do something to satisfy and placate him.

Among other things, he said that unless I consented to Dillingham's demands, he (Ripley) would be unable to extend our presses the patronage heretofore extended, as he was powerless to act against the will and wishes of Dillingham. Despite his importunities and threats, I refused to pay Mr. Dillingham another cent beyond what I had already paid him; and the consequence was, the Waco press, for the ensuing season, was operated at a loss. From over 30,000 bales compressed the previous season, the receipts for 1890-91 fell below 10,000 bales, entailing a loss upon the company of several thousands of dollars. The deficit in receipts represents the number of bales of transit cotton diverted through the influence and power of Messrs. Dillingham and Ripley from the Waco press to the McFadden or National press.

On December 28, 1890, I received a letter from Mr. Ripley asking me to advise him on what date the secretary of the company would be in Austin, as he desired to come to Austin and have his stock transferred on the books of the company for the purpose of selling the same, and learn the probable amount of dividends that would be earned by the stock by the first of the following January. To this letter I mailed the fol-

lowing reply, to which no answer was ever received by me:

[Copy.]

AUSTIN, TEXAS, Dec. 30, 1890.

"Daniel Ripley, Esq., Houston:

"DEAR SIR: I have your letter of the 28th instant, and beg to say in reply I can not consent to allow the stock you hold in the Waco-Ennis Compress company to be transferred, for the reason that the consideration and condition by which you came into possession of it have not been fulfilled; but, on the contrary, you have so flagrantly disregarded the agreement, that you have forfeited all legal and moral claim to it; and as the legal title to this stock is yet in me, I do not propose to pass title until the consideration and condition for which it was given are complied with.

"Before any proposition looking to a settlement of the matter will be considered by me you will have to pay over the profits on the twenty thousand or more bales of transit cotton which you diverted from the Waco press to the National compress at Waco (a rival company), the profits from which would have amounted to more than \$6000. To do this, however, would, I presume, entail no hardship on you, as the compensation you received this season from the National compress people for controlling this cotton is ample to meet the demand. But even after paying this amount, I could not consent to part with my title to the stock you hold until I could be fully assured in some satisfactory way that a repetition by you at some future time in the way of using your influence in favor of a rival company would not occur.

"I have written plainly and am fully decided on the position I have taken. Your action at Waco this season leaves me no other course, and if you are dissatisfied the courts are open and can decide our differences.

"Yours very truly,

"JOSEPH NALLE."

On November 18, 1892, I mailed to Mr. C. P. Huntington the following letter:

[Copy.]

AUSTIN, Nov. 18, 1892.

Mr. C. P. Huntington, No. 23 Broad Street, New York.

DEAR SIR: Referring to your letter to me of date June 22nd last, I think it due you for me to let you know that I am to be summoned on behalf of the State before the United States Circuit Court to testify in the injunction suit now pending, restraining the State railroad commission. It is the purpose to get be-

fore the court the information I gave you in my letter of date June 16. last, viz.: The appropriation by railroad traffic managers to their own use moneys belonging to the companies, which should be applied to their operation and paying dividends on money invested.

I write you this for the reason you requested me to keep the information I had communicated to you confidential until I heard further from you. I wish to say the contents of my letter to you were, by some means unknown to me, promptly communicated to officers of the Southern Pacific and Central railroads at Houston, and thence here, and have reached the officers of the State; hence the cause of my being summoned before the court. I write this to let you know I have respected your request.

I will further say I have heard nothing from you since the receipt of your letter of June, last.

Yours respectfully,

JOSEPH NALLE.

To this communication I received the following reply from Mr. Huntington:

[Copy.]

"NO. 23, BROAD STREET,

"NEW YORK, Dec. 1, 1892.

"Joseph Nalle, Esq., Austin, Texas;

"MY DEAR SIR: Yours of November 18 is received, and I note its contents. I was in hopes that something would come to the front that would in some (way) exonerate the parties implicated in your note, as a man's reputation is a thing that should be dealt with very carefully; as, when once tarnished it is almost impossible to make it clean again, and partly because I have been very busy, and partly, as I say, because I hoped something would turn up to exonerate them, I have let the matter rest, although soon after I received your letter I showed it to Mr. Hutchinson, asking him to be equally reticent in the matter, but to watch out and make whatever inquiries he could, with a view of either clearing up the charges against the parties or getting cumulative evidence to confirm them. I must say that I fully appreciate your feelings, as expressed in your letter, and agree with what you say as to the appropriation by railroad traffic managers to their own use of moneys belonging to the company, which should be applied in paying the expenses and dividends on the money invested to create the property; for railroads certainly have a very hard time—particularly in Texas—even when they receive all the money that belongs to them; and I think there is not a railroad in Texas, that has depended upon Texas business for its support, but

what has been in bankruptcy. The great east and west lines, controlled by myself and associates, have been supported by business originating from distant points outside of the State. If it had not been for such business they must, like the others, have gone into bankruptcy. The western end of the road—that is, the Galveston, Harrisburg & San Antonio—has never earned of itself sufficient money to pay its operating, fixed and betterment expenses—three accounts which always have and always will run with all roads as long as they are operated.

"Allow me to thank you for the interest you have taken in this matter, although I almost hope that the charges will not be proven, as a good reputation is better than much money. But as the matter is now in the courts the people implicated will have a chance to clear themselves, or else be compelled to accept the fearful responsibility of malfeasance in office.

"Yours truly,

"C. P. HUNTINGTON."

Q. If you say the stock company was formed and stock distributed, please state why you consented to the arrangement. Give a full statement of the voluntary or involuntary inducements that brought about the formation of the stock company for the operation of your compresses.

A. Substantially answered in replies to interrogatories numbered respectively 13 and 14.

Q. What become of the stock company? Are you still a member of it? And if not, why not? If you sold out, to whom did you sell, and at what price, and who owns the compresses now?

A. I am not a member of the company for the reasons above set forth. I disposed of all my stock to Mr. Joseph Baldrige, acting for himself and others, \$110,000 of the entire \$150,000 of the stock of the company being transferred to Messrs. Dillingham and Ripley. Subsequently the Waco press was removed to Calvert, thereby destroying the competition against the McFadden or National compress, and giving it an undisputed monopoly of the transit cotton controlled by the Houston and Texas Central Railway at Waco.

At the request of interested parties, on November 28, 1892, I filed before United States Circuit Judge Don A. Pardee, at New Orleans, La., a copy of my letter to Mr. C. P. Huntington of date June 16, 1892, with the necessary affidavit as to its authenticity and truthfulness. Judge Pardee immediately cited Mr. Dilling-

ham by wire (the latter was in Houston) to appear before him in New Orleans at 11 o'clock of the morning of the next day, November 29, and also notified me to be present at the same hour. I was present at the appointed time, but Mr. Dillingham, who had reached the city a few hours previous, failed to put in an appearance. Judge Pardee postponed any action until 3:30 o'clock of the same day, issuing another notification to Mr. Dillingham to be present at that hour. Later, in conversation, Judge Pardee assured me that he would have nothing to do with the case. He would, he remarked, simply furnish Dillingham with a copy of my letter to Mr. Huntington, and then transfer the whole matter to Judge McCormick to take such action as he might see proper. He would suggest to Judge McCormick, he added, to appoint a special master to investigate the matter thoroughly and have it thoroughly sifted. Up to this time, so far as I have been able to learn, no special master has been appointed, nor has any formal investigation taken place, either under Judge McCormick's or Judge Pardee's orders. I was present in Judge Pardee's chambers again at the appointed hour—3:30 o'clock p. m.—but Mr. Dillingham not appearing, and having urgent private business at home, I left New Orleans at a later hour and returned to Austin.

On the following day, November 30, 1892, Mr. Dillingham tendered his resignation as receiver of the Houston and Texas Central railway and other Texas railroads, which was immediately accepted by Judge McCormick, but by a subsequent order from the late Justice Lamar of the United States Supreme Court the acceptance was temporarily rescinded to await the adjudication of pending litigation. Surprised at the undue haste manifested by Mr. Dillingham in tendering his resignation while such grave charges were pending against him, I wrote to Mr. A. C. Hutchinson, president of the Southern Pacific Railway Company, for an explanation, and received in reply the following letter:

[Copy.]

"NEW ORLEANS, Dec. 5, 1892.

"Mr. Joseph Nalle, Austin, Texas:

"DEAR SIR: Your letter of the 3d received. Mr. Dillingham failed to make any defense against the charges you submitted, and sent in his resignation as receiver of all the different roads in Texas, which was at once accepted by Judge McCormick, to whom the whole matter had been transferred. You ask me, 'Why such haste?' I can

give no reason; suppose, however, it was because he had no defense to make.

"His having resigned—and resignation accepted by the court—does not mean that he is discharged from the responsibilities as receiver. This all depends upon what takes place hereafter.

"I understand both he and Ripley are in New York; for what purpose I am unable to say—very likely I may be advised in the next few days.

"Yours truly,

"A. C. HUTCHINSON."

Under date of December 10, 1892, I again wrote Mr. Hutchinson, requesting information, and received the following reply:

[Copy.]

"NEW YORK, Dec. 19, 1892.

"Mr. Joseph Nalle, Austin, Texas:

"DEAR SIR: Your letter of the 10th, after being detained in New Orleans, was forwarded to me here. I have been here since the 7th instant. I find Mr. Huntington is disposed to be lenient toward Mr. Dillingham, and because he has in mind the latter's wife and children, and while satisfied of what has been going on, he dislikes very much to do anything which would hurt the family, who are innocent. Nevertheless, he informed me yesterday he should make an investigation, but as to just how he would conduct it he had not yet determined. His idea originally was to let him remain awhile and then withdraw.

Meanwhile, in the suit of a stockholder (Carey), which has been going on in the United States court for some time, and which was recently defeated on the trial at New Orleans, an injunction has been granted by Judge Lamar of the United States Supreme Court restraining the receiver from turning the property over to anyone. This, of course, complicates matters very much as, until the injunction is released, things must apparently remain in statu quo.

"Mr. Huntington has asked for Ripley's resignation by the 1st or 10th of January. * * *

"I was not here when Dillingham and Ripley were in New York, and have no idea as to what really took place, save that Mr. Huntington told me that both claimed they had done nothing wrong for some time past, that they had sold out, etc., etc., and thus stopped the continuance of such as they had been doing, and evidently they must have appealed to him for mercy.

"From what he said to me yesterday, I judge he must have recently received some other charges, as he says he will now have an investigation made, but

what shape it will take I am unable to say.

Yours truly,

"A. C. HUTCHINSON."

It will be noted that Mr. Ripley did resign as general freight agent of the Southern Pacific lines in Texas on January 10, and turned over his office on that day to his successor.

Q. Have you any knowledge of other compresses owned in whole or in part, in the past or at present, by officers of railroads; and if you state yea, then state where such compresses are situated and what officers hold or held interest in them?

A. Of my own personal knowledge I cannot say whether there are other presses in the State owned in whole or part by officers of railroads or not, though I was told by both Mr. Dillingham and Mr. Ripley that they owned stock in the Houston Compress Company; and in the case of D. Ripley vs. Waco-Ennis Company, A. Faulkner, Mr. Dillingham's freight agent, deposed under oath that he was told by Mr. Ripley himself that he (Ripley) owned stock in the compress at Houston and the Navasota compress at Navasota (vide sworn deposition of A. Faulkner, in case of D. Ripley vs. Waco-Ennis Compress Co., on file in the office of the district clerk of Travis county.) An examination, however, of the different stock books of the compresses of the State, I believe, will show that one-half or more of the whole property is owned by or held for railroad officials.

Q. Was it not a fact prior to the commission, and is it not a fact now, that most of the compresses in the State paid, and now pay, tribute to railroad officials for delivering cotton to them?

A. Such was my understanding, though I cannot speak from personal knowledge save as to the Waco and Ennis compresses, both of which for a time paid a stipulated tribute to Charles Dillingham and D. Ripley, receiver and general freight agent, respectively, of the Houston and Texas Central railway, while owned in entirety by myself. It is a prevalent belief that a cotton compress cannot succeed unless the railroad officials are interested; and in the light of my personal experience I would deem it an act of idiocy for anyone to invest in cotton compress property without first satisfying the greed of the railway officials of the line on which it was to be located.

Q. Please state, if you know, what was the effect of commission rates on the products shipped by you. Answer specifically and give your means of knowledge.

A. The effect, I think, was salutary. It insured dealers, and protected them against discriminative rates and removed from the roads the power to make special rates, tariffs, rebates, etc.

Q. Was it not a fact that prior to the commission the rates on lumber were too high, taking into consideration the tonnage, risk, terminal cost and other conditions of the trade?

A. I think so, unquestionably.

Q. Are the railroads at any expense in loading and unloading lumber, and is there any risk in carriage?

A. None whatever.

Q. Taking into consideration the above conditions, is not the rate upon lumber higher proportionately than any other line of traffic?

A. I think so, beyond question.

On motion of Senator Atlee, the further reading of the Governor's message was suspended, and the same ordered printed in the journal.

On motion of Senator Jester Senate adjourned till to-morrow morning at 10 o'clock.

FIFTIETH DAY.

SENATE CHAMBER.

AUSTIN, TEXAS, March 9, 1893.

Senate met pursuant to adjournment.

Lieutenant-Governor Crane in the chair.

Roll called.

Quorum present, the following Senators answering to their names:

PRESENT—29.

Agnew,	Jester,
Atlee,	Kearby,
Baldwin,	Lawhon,
Boren,	Lewis,
Bowser,	McComb,
Browning,	McKinney,
Cranford,	Presler,
Crowley,	Shelburne,
Dean,	Simpson,
Dickson,	Steele,
Douglass,	Swayne,
Goss,	Tips,
Greer,	Woods,
Hutchison,	Yoakum,
Imboden,	

EXCUSED—2.

Smith, Whitaker.

The chaplain, Dr. Briggs, being unavoidably absent, by his invitation, Rev. G. C. Rector, pastor of the Twenty-fourth street Methodist church, prayed as follows:

Our Father, Who art in heaven, look with tenderness upon us, Thy children. We know not the issues of